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House File 2042 - Introduced

HOUSE FILE 2042
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO HSB 503)

A BILL FOR

1 An Act requiring jobs impact statements for administrative
2 rules.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5415HV (1) 84
jr/rj



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1 Section 1. NEW SECTION. 17A.4B Job impact statement.
2 1. a. "Benefit" means the reasonably identifiable and
3 quantifiable positive effect or outcome that is expected to
4 result from implementation of a rule.
5 b. "Cost" means reasonably identifiable, significant, direct
6 or indirect, economic impact that is expected to result from
7 implementation of and compliance with a rule.
8 c. "Cost-benefit analysis" means regulatory analysis
9 to provide the public with transparency regarding the
10 cost-effectiveness of a rule, including the economic costs and
11 the effectiveness weighed by the agency in adopting the rule.
12 "Cost-benefit analysis" includes a comparison of the probable
13 costs and benefits of a rule to the probable costs and benefits
14 of less intrusive or less expensive methods that exist for
15 achieving the purpose of the rule.
16 d. "Jobs" means private sector employment including
17 self-employment and areas for potential for employment growth.
18 e. "Jobs impact statement" means a statement that does all
19 of the following:
20 (1) Identifies the objective of a rule and the applicable
21 section of the statute that provides specific legal authority
22 for the agency to adopt the rule.
23 (2) Identifies and describes the cost that the agency
24 anticipates state agencies, local governments, the public, and
25 the regulated entities, including regulated businesses and
26 self-employed individuals, will incur due to the implementation
27 of and complying with a rule.
28 (3) Determines whether a rule would have a positive
29 or negative impact on private sector jobs and employment
30 opportunities in Iowa.
31 (4) Describes and quantifies the nature of the impact a rule
32 will have on private sector jobs and employment opportunities
33 including the categories of jobs and employment opportunities
34 that are affected by the rule, and the number of jobs or
35 potential job opportunities and the regions of the state

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1 affected by the rule.

2 (5) Identifies, where possible, the additional costs to
3 employers per employee due to implementation of and complying
4 with a rule.

5 (6) Includes other relevant analysis requested by the
6 administrative rules coordinator.

7 2. Prior to implementation of a rule, an agency shall
8 take steps to minimize the adverse impact on jobs and
9 the development of new employment opportunities due to
10 implementation of the rule.

11 3. An agency shall provide a jobs impact statement to the
12 administrative rules coordinator prior to publication of a
13 notice of intended action or the publication of a rule without
14 notice.

15 4. The jobs impact statement shall be published as part
16 of the preamble to the notice of rulemaking in the Iowa
17 administrative bulletin, unless the administrative rules
18 coordinator determines that publication of the entire jobs
19 impact statement would be unnecessary or impractical.

20 5. An agency shall accept comments and information
21 from stakeholders prior to final preparation of the jobs
22 impact statement. Any concerned private sector employer or
23 self-employed individual, potential employer, potential small
24 business, or member of the public may submit information
25 relating to a jobs impact statement upon a request for
26 information or prior to publication of a notice of intended
27 action by an agency.

28 6. If a jobs impact statement is revised after a notice
29 of intended action is published, the revised jobs impact
30 statement shall be published as part of the preamble to the
31 adopted version of the rule, unless the administrative rules
32 coordinator determines that publication of the entire jobs
33 impact statement would be unnecessary or impractical.

34 7. The analysis in the jobs impact statement shall give
35 particular weight to jobs in production sectors of the economy

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1 which includes the manufacturing and agricultural sectors of
2 the economy and includes analysis, where applicable, of the
3 impact of the rule on expansion of existing businesses or
4 facilities.

5 8. The administrative rules coordinator may waive the jobs
6 impact statement requirement for rules proposed on an emergency
7 basis or if unnecessary or impractical.

8 EXPLANATION

9 This bill requires that every proposed rule under a notice
10 of intended action or published without notice contain a jobs
11 impact statement which outlines the objective and statutory
12 authority of the rule and analyzes and sets out in detail
13 the impact of the proposed rule on state agencies, local
14 governments, the public, and the regulated entities, including
15 regulated businesses and self-employed individuals affected by
16 the rule. The statement must also determine whether a proposed
17 rule would have a positive or negative impact on private sector
18 jobs and employment opportunities.

19 As part of this requirement, an agency is required to
20 take steps to minimize the adverse impact on jobs and the
21 development of new employment opportunities before proposing
22 a rule.

23 The administrative rules coordinator may waive the jobs
24 impact statement requirement for emergency-filed rules or if
25 unnecessary or impractical.



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House File 2043 - Introduced

HOUSE FILE 2043
BY COMMITTEE ON ECONOMIC
GROWTH/REBUILD IOWA

(SUCCESSOR TO HSB 504)

A BILL FOR

1 An Act relating to the implementation of federal statute,
2 regulation, or policy by state administrative agencies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5133HV (1) 84
jr/rj



Iowa General Assembly
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1 Section 1. NEW SECTION. 17A.24 Rule implementation of
2 federal statute, regulation, or policy.

3 1. Except as otherwise explicitly authorized by state law,
4 an agency charged with the implementation of a federal statute,
5 regulation, or policy shall not implement the federal statute,
6 regulation, or policy in a manner that exceeds the specific
7 requirements of the federal statute, regulation, or policy.

8 2. Any portion of an agency rule or policy that implements
9 a federal statute, regulation, or policy and that exceeds the
10 specific requirements of the federal statute, regulation, or
11 policy is automatically superceded by the specific requirements
12 of that federal statute, regulation, or policy.

13 EXPLANATION

14 This bill provides that state implementation of a federal
15 statute, regulation, or policy by a state agency shall not
16 exceed the specific requirements of the federal statute,
17 regulation, or policy, except as specifically allowed by state
18 law. Any portion of a state rule or policy that implements a
19 federal statute, regulation, or policy and that exceeds the
20 specific requirements of the federal statute, regulation, or
21 policy is automatically superceded by the specific requirements
22 of that federal statute, regulation, or policy.

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House File 2044 - Introduced

HOUSE FILE 2044
BY COWNIE

A BILL FOR

1 An Act eliminating the department of education's authority to
2 approve certain requests to waive the school start date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5162YH (4) 84
kh/sc



Iowa General Assembly
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H.F. 2044

1 Section 1. Section 257.17, Code 2011, is amended to read as
2 follows:

3 **257.17 Aid reduction for early school starts.**

4 State aid payments made pursuant to section 257.16 for a
5 fiscal year shall be reduced by one one-hundred-eightieth for
6 each day of that fiscal year for which the school district
7 begins school before the earliest starting date specified in
8 section 279.10, subsection 1. However, this section does not
9 apply to a school district that has received approval from the
10 director of state board of education for a year around school
11 year under section 256.20, or from the department of education
12 under section 279.10, subsection 4, to commence classes for
13 regularly established elementary and secondary schools in
14 advance of the starting date established for a pilot program
15 for an innovative school year in accordance with section
16 279.10, subsection 1 3.

17 Sec. 2. Section 279.10, subsection 2, Code 2011, is amended
18 to read as follows:

19 2. The board of directors shall hold a public hearing on
20 any ~~proposal~~ request for approval made pursuant to subsection
21 3 prior to submitting it to the department of education for
22 approval.

23 Sec. 3. Section 279.10, subsection 4, Code 2011, is amended
24 by striking the subsection.

25 EXPLANATION

26 This bill eliminates the department of education's authority
27 to grant a school district's request to waive the earliest
28 school start date allowed, which currently is no sooner than
29 a day during the calendar week in which the first day of
30 September falls or, if the first day of September falls on a
31 Sunday, a day during the prior week.

32 The bill makes a conforming change to eliminate an exemption
33 in a provision that reduces a school district's state aid
34 payments for early school starts unless the school district
35 receives a waiver, but maintains exemptions for a school

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1 district approved to implement an innovative school year or a
2 year around school year.



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House File 2045 - Introduced

HOUSE FILE 2045
BY WINDSCHITL

A BILL FOR

1 An Act mandating drug testing of applicants for and certain
2 recipients of assistance under the family investment
3 program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5190YH (3) 84
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1 Section 1. NEW SECTION. 239B.2C Drug testing for
2 applicants.

3 1. For the purposes of this section, unless the context
4 otherwise requires:

5 a. *"Confirmed positive test result"* means the results of
6 a urine, oral fluid, or blood test in which the level of
7 controlled substances or their metabolites in the sample
8 analyzed meets or exceeds nationally accepted standards for
9 determining detectable levels of controlled substances as
10 adopted by the federal substance abuse and mental health
11 services administration. If nationally accepted standards for
12 oral fluid tests have not been adopted by the federal substance
13 abuse and mental health services administration, the standards
14 for determining detectable levels of controlled substances for
15 purposes of determining a confirmed positive test result shall
16 be the same standard that has been established by the federal
17 food and drug administration for the measuring instrument used
18 to perform the oral fluid test.

19 b. *"Licensed substance abuse treatment program"* means an
20 inpatient or outpatient substance abuse treatment program
21 licensed by the department of public health under chapter 125.

22 c. *"Sample"* means a sample from the human body capable of
23 revealing the presence of drugs, or their metabolites, which
24 shall include only urine, saliva, or blood.

25 2. a. The drug testing requirements of this section apply
26 to the following applicants for and recipients of assistance
27 under this chapter:

28 (1) Each adult parent, guardian, or specified relative who
29 is included in the applicant family, including both parents of
30 a two-parent family, or an individual who may be exempt from
31 work activity requirements due to the age of the youngest child
32 or who may be exempt from work activity requirements under the
33 PROMISE JOBS program.

34 (2) A minor parent who is not required to live with a
35 parent, guardian, or other adult caretaker in accordance with

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1 this chapter.

2 (3) A recipient of assistance who provided a written
3 acknowledgment of the drug testing requirements of this
4 section at the time of application for assistance and for whom
5 there is information indicating a significant likelihood the
6 recipient is using a controlled substance, as determined by the
7 department, shall be subject to random drug testing.

8 b. Dependent children under the age of eighteen years are
9 exempt from the drug testing requirements of this section.

10 c. The department shall require a drug test that is similar
11 to a drug test as a condition of employment under section 730.5
12 to screen the persons subject to this section for the presence
13 of controlled substances. The person is responsible for the
14 cost of the person's drug test.

15 3. a. A person who is subject to this section is ineligible
16 to receive assistance under this chapter if the person does not
17 participate in the required drug testing.

18 b. A person who is subject to this section is ineligible
19 to receive assistance under this chapter if the person has a
20 confirmed positive test result for the presence of either of
21 the following:

22 (1) A substance listed in schedule I under section 124.204.

23 (2) A substance listed in schedule II, III, or IV under
24 chapter 124 that was not prescribed for the person.

25 c. The period of ineligibility for an applicant or recipient
26 who is ineligible for assistance under paragraph "b" is one year
27 after the date of the confirmed positive test result.

28 4. The department shall do all of the following in
29 implementing this section:

30 a. (1) Provide notice of drug testing to each person who is
31 subject to this section at the time of application. The notice
32 must advise the person that drug testing will be conducted as a
33 condition for receiving assistance under this chapter and that
34 the person must bear the cost of testing. The applicant shall
35 be advised that the required drug testing may be avoided if the

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1 applicant does not complete or withdraws the application for
2 assistance.

3 (2) Advise each person to be tested, before the test
4 is conducted, that the person may, but is not required to,
5 advise the agent administering the test of any prescription or
6 over-the-counter medication the person is taking.

7 (3) Require each person to be tested to sign a written
8 acknowledgment that the person has received and understood the
9 notice and advice provided under this paragraph "a".

10 b. Assure each person being tested a reasonable degree
11 of dignity while producing and submitting a sample for drug
12 testing, consistent with the department's need to ensure the
13 reliability of the sample.

14 c. Specify circumstances under which a person with a
15 confirmed positive test result has the right to take one or
16 more additional tests.

17 d. Inform a person who has a confirmed positive test result
18 and is deemed ineligible for assistance that the person may
19 not reapply for assistance until one year after the date of
20 the confirmed positive test result unless the person meets the
21 requirements of paragraph "f". If the person has a subsequent
22 confirmed positive test result, the person shall be ineligible
23 to receive assistance for three years after the date of the
24 subsequent result unless the person meets the requirements of
25 paragraph "f".

26 e. Provide any person with a confirmed positive test result
27 with a list of licensed substance abuse treatment programs
28 available in the area in which the person resides. Neither the
29 department nor the state is responsible for providing or paying
30 for substance abuse treatment as part of the drug testing
31 conducted under this section.

32 f. A person with a confirmed positive test result who is
33 denied assistance under this chapter may reapply for assistance
34 after six months if the person can document the successful
35 completion of a licensed substance abuse treatment program.

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1 A person who has met the requirements of this paragraph and
2 reapplies for assistance must also pass the initial drug test
3 required under subsection 2. Any drug test conducted while the
4 person is undergoing substance abuse treatment must meet the
5 requirements for a drug test under subsection 2. The cost of
6 any drug testing or substance abuse treatment provided under
7 this subsection shall be the responsibility of the person being
8 tested or receiving treatment. A person with a confirmed
9 positive test result from the drug test required under
10 subsection 2 may reapply for assistance under this paragraph
11 only once.

12 5. If an applicant or recipient parent is deemed ineligible
13 for assistance as a result of having a confirmed positive test
14 result from a drug test conducted under this section, all of
15 the following apply:

16 a. The eligibility of the applicant's or recipient's
17 dependent child for assistance is not affected.

18 b. An appropriate protective payee shall be designated
19 to receive assistance on behalf of the dependent child.
20 The parent may choose to designate an individual as the
21 protective payee. The individual designated by the parent as
22 the protective payee must be a specified relative or other
23 immediate family member unless such family member is not
24 available or the family member declines the designation. In
25 which case another individual, approved by the department,
26 shall be designated as the protective payee. The individual
27 must also undergo drug testing before being approved to be
28 the protective payee. If the designated individual has a
29 confirmed positive test result, the designated individual shall
30 be ineligible to be the protective payee.

31 6. The department shall adopt rules to implement this
32 section.

33 EXPLANATION

34 This bill requires drug testing of applicants for and
35 certain recipients of assistance under the family investment

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1 program (FIP) in new Code section 239B.2C. The program
2 provides cash assistance and employment-related services to
3 low-income families with children under the federal temporary
4 assistance for needy families (TANF) block grant. The
5 department of human services administers the program and block
6 grant for this state.

7 The bill utilizes the following terms that are defined in
8 Code section 239B.1:

9 "Applicant" means a person who files an application for
10 participation in FIP under Code chapter 239B.

11 "Assistance" means a FIP payment.

12 "Family" means a family unit that includes at least one
13 child and at least one parent or other specified relative of
14 the child.

15 "Minor parent" means an applicant or participant parent who
16 is less than 18 years of age and has never been married.

17 "PROMISE JOBS program" or "JOBS program" means the promoting
18 independence and self-sufficiency through employment job
19 opportunities and basic skills program, a part of FIP.

20 "Specified relative" means a person who is, or was at any
21 time, a relative of an applicant or participant child, by means
22 of blood relationship, marriage, or adoption, or is a spouse of
23 a relative listed in the definition.

24 The bill defines "confirmed positive test result", "licensed
25 substance abuse treatment program", and "sample".

26 The drug testing requirement applies to each applicant for
27 FIP assistance who is an adult parent, guardian, or specified
28 relative who is included in the applicant family, including
29 both parents of a two-parent family, or an individual who may
30 be exempt from work activity requirements due to the age of the
31 youngest child or who may be exempt from work activity under
32 the PROMISE JOBS program. The requirement also applies to
33 each minor parent applicant who is not required to live with
34 a parent, guardian, or other adult caretaker. In addition,
35 a recipient of assistance who accepted the drug testing

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1 requirements at the time of application and for whom there is
2 information indicating a significant likelihood the recipient
3 is using a controlled substance is subject to random drug
4 testing. Dependent children under the age of 18 years are
5 exempt from the drug testing requirements. The department is
6 directed to require a drug test of each person who is subject
7 to the requirements to screen for the presence of controlled
8 substances. The person is responsible for the cost of the drug
9 test.

10 A person subject to the requirement who does not participate
11 in the required drug testing is ineligible for cash assistance
12 through FIP. A person who has a confirmed positive test result
13 is ineligible for one year unless the test result was for a
14 controlled substance for which the person has a prescription.

15 The department is required to do all of the following
16 in administering the drug testing requirement: implement
17 notification provisions; allow for additional testing following
18 a confirmed positive test result; apply a three-year period
19 of ineligibility if a person reapplies but has a subsequent
20 confirmed positive test result; provide a listing of licensed
21 substance abuse treatment programs available in the area of a
22 person's residence if the person has a confirmed positive test
23 result; and allow for a person who has a confirmed positive
24 test result to reapply one time after six months if the person
25 provides documentation of completing a licensed substance abuse
26 treatment program within six months of the confirmed positive
27 test result and passes another drug test.

28 If a parent is deemed ineligible for assistance as a result
29 of having a confirmed positive test result, the dependent child
30 remains eligible for assistance and a protective payee is to be
31 designated by the parent to receive the assistance on behalf of
32 the child. If a specified relative or other immediate family
33 member declines to be designated, the department must designate
34 the protective payee. The protective payee is then subject
35 to drug testing before being approved to receive assistance

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1 on behalf of the child. A protective payee with a confirmed
2 positive test result is ineligible to receive assistance on
3 behalf of the child.
4 The department is required to adopt rules to implement the
5 new requirements.



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House File 2046 - Introduced

HOUSE FILE 2046

BY ARNOLD, IVERSON, MOORE,
BRANDENBURG, MASSIE,
PEARSON, PAUSTIAN, HAGER,
SWEENEY, DOLECHECK,
JORGENSEN, HUSEMAN,
WATTS, DE BOEF, LOFGREN,
CHAMBERS, HEIN, S. OLSON,
and RASMUSSEN

A BILL FOR

1 An Act requiring drug testing of applicants for the family
2 investment program.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5087YH (9) 84
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1 Section 1. NEW SECTION. 239B.2C Drug testing for
2 applicants.

3 1. For the purposes of this section, unless the context
4 otherwise requires:

5 a. *"Confirmed positive test result"* means the results of
6 a urine, oral fluid, or blood test in which the level of
7 controlled substances or their metabolites in the sample
8 analyzed meets or exceeds nationally accepted standards for
9 determining detectable levels of controlled substances as
10 adopted by the federal substance abuse and mental health
11 services administration. If nationally accepted standards for
12 oral fluid tests have not been adopted by the federal substance
13 abuse and mental health services administration, the standards
14 for determining detectable levels of controlled substances for
15 purposes of determining a confirmed positive test result shall
16 be the same standard that has been established by the federal
17 food and drug administration for the measuring instrument used
18 to perform the oral fluid test.

19 b. *"Licensed substance abuse treatment program"* means an
20 inpatient or outpatient substance abuse treatment program
21 licensed by the department of public health under chapter 125.

22 c. *"Sample"* means a sample from the human body capable of
23 revealing the presence of drugs, or their metabolites, which
24 shall include only urine, saliva, or blood.

25 2. a. The drug testing requirements of this section apply
26 to the following applicants for assistance under this chapter:

27 (1) Each adult parent, guardian, or specified relative who
28 is included in the applicant family, including both parents of
29 a two-parent family, or an individual who may be exempt from
30 work activity requirements due to the age of the youngest child
31 or who may be exempt from work activity requirements under the
32 PROMISE JOBS program.

33 (2) A minor parent who is not required to live with a
34 parent, guardian, or other adult caretaker in accordance with
35 this chapter.

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1 *b.* Dependent children under the age of eighteen years are
2 exempt from the drug testing requirements of this section.
3 *c.* The department shall require a drug test that is similar
4 to a drug test as a condition of employment under section
5 730.5 to screen each applicant subject to this section for
6 the presence of controlled substances. The applicant is
7 responsible for the cost of the applicant's drug test.
8 3. *a.* An applicant who is subject to this section is
9 ineligible to receive assistance under this chapter if the
10 applicant does not participate in the required drug testing.
11 *b.* An applicant who is subject to this section is ineligible
12 to receive assistance under this chapter if the applicant has a
13 confirmed positive test result for the presence of either of
14 the following:
15 (1) A substance listed in schedule I under section 124.204.
16 (2) A substance listed in schedule II, III, or IV under
17 chapter 124 that was not prescribed for the applicant.
18 *c.* The period of ineligibility for an applicant who is
19 ineligible for assistance under paragraph "b" is one year after
20 the date of the confirmed positive test result.
21 4. The department shall do all of the following in
22 implementing this section:
23 *a.* (1) Provide notice of drug testing to each applicant
24 who is subject to this section at the time of application. The
25 notice must advise the applicant that drug testing will be
26 conducted as a condition for receiving assistance under this
27 chapter and that the applicant must bear the cost of testing.
28 If the applicant's drug test does not have a confirmed positive
29 test result, the department shall increase the amount of the
30 initial cash assistance benefit by the amount paid by the
31 applicant for the drug testing. The applicant shall be advised
32 that the required drug testing may be avoided if the applicant
33 does not complete or withdraws the application for assistance.
34 (2) Advise each applicant to be tested, before the test
35 is conducted, that the applicant may, but is not required to,

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1 advise the agent administering the test of any prescription or
2 over-the-counter medication the applicant is taking.

3 (3) Require each applicant to be tested to sign a written
4 acknowledgment that the applicant has received and understood
5 the notice and advice provided under this paragraph "a".

6 b. Assure each applicant being tested a reasonable degree
7 of dignity while producing and submitting a sample for drug
8 testing, consistent with the department's need to ensure the
9 reliability of the sample.

10 c. Specify circumstances under which an applicant with a
11 confirmed positive test result has the right to take one or
12 more additional tests.

13 d. Inform an applicant who has a confirmed positive test
14 result and is deemed ineligible for assistance that the
15 applicant may not reapply for assistance until one year after
16 the date of the confirmed positive test result unless the
17 applicant meets the requirements of paragraph "f". If the
18 applicant has a subsequent confirmed positive test result,
19 the applicant shall be ineligible to receive assistance for
20 three years after the date of the subsequent result unless the
21 individual meets the requirements of paragraph "f".

22 e. Provide any applicant with a confirmed positive test
23 result with a list of licensed substance abuse treatment
24 programs available in the area in which the applicant resides.
25 Neither the department nor the state is not responsible for
26 providing or paying for substance abuse treatment as part of
27 the screening conducted under this section.

28 f. An applicant with a confirmed positive test result who is
29 denied assistance under this chapter may reapply for assistance
30 after six months if the individual can document the successful
31 completion of a licensed substance abuse treatment program. An
32 applicant who has met the requirements of this paragraph and
33 reapplies for assistance must also pass the initial drug test
34 required under subsection 2. Any drug test conducted while the
35 individual is undergoing substance abuse treatment must meet

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1 the requirements for a drug test under subsection 2. The cost
2 of any drug testing or substance abuse treatment provided under
3 this subsection shall be the responsibility of the individual
4 being tested or receiving treatment. An individual with a
5 confirmed positive test result from the drug test required
6 under subsection 2 may reapply for assistance under this
7 paragraph only once.

8 5. If an applicant parent is deemed ineligible for
9 assistance as a result of having a confirmed positive test
10 result from a drug test conducted under this section, all of
11 the following apply:

12 a. The eligibility of the applicant's dependent child for
13 assistance is not affected.

14 b. An appropriate protective payee shall be designated
15 to receive assistance on behalf of the dependent child. The
16 applicant parent may choose to designate an individual as the
17 protective payee. The individual designated by the applicant
18 parent as the protective payee must be a specified relative
19 or other immediate family member unless such family member is
20 not available or the family member declines the designation.
21 In which case another individual, approved by the department,
22 shall be designated as the protective payee. The individual
23 must also undergo drug testing before being approved to be
24 the protective payee. If the designated individual has a
25 confirmed positive test result, the designated individual shall
26 be ineligible to be the protective payee.

27 6. The department shall adopt rules to implement this
28 section.

29 EXPLANATION

30 This bill requires drug testing of applicants for the
31 family investment program (FIP) in new Code section 239B.2C.
32 The program provides cash assistance and employment-related
33 services to low-income families with children under the federal
34 temporary assistance for needy families (TANF) block grant.
35 The department of human services administers the program and

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1 block grant for this state.

2 The bill utilizes the following terms that are defined in
3 Code section 239B.1:

4 "Applicant" means a person who files an application for
5 participation in FIP under Code chapter 239B.

6 "Assistance" means a FIP payment.

7 "Family" means a family unit that includes at least one
8 child and at least one parent or other specified relative of
9 the child.

10 "Minor parent" means an applicant or participant parent who
11 is less than 18 years of age and has never been married.

12 "PROMISE JOBS program" or "JOBS program" means the promoting
13 independence and self-sufficiency through employment job
14 opportunities and basic skills program, a part of FIP.

15 "Specified relative" means a person who is, or was at any
16 time, a relative of an applicant or participant child, by means
17 of blood relationship, marriage, or adoption, or is a spouse of
18 a relative listed in the definition.

19 The bill defines "confirmed positive test result", "licensed
20 substance abuse treatment program", and "sample".

21 The drug testing requirement applies to each applicant for
22 FIP assistance who is an adult parent, guardian, or specified
23 relative who is included in the applicant family, including
24 both parents of a two-parent family, or an individual who may
25 be exempt from work activity requirements due to the age of
26 the youngest child or who may be exempt from work activity
27 under the PROMISE JOBS program. The requirement also applies
28 to each minor parent applicant who is not required to live
29 with a parent, guardian, or other adult caretaker. Dependent
30 children under the age of 18 years are exempt from the drug
31 testing requirements. The department is directed to require a
32 drug test of each applicant who is subject to the requirements
33 to screen for the presence of controlled substances. The
34 applicant is responsible for the cost of the drug test.

35 An applicant who does not participate in the required

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1 drug testing is ineligible for cash assistance through
2 FIP. An applicant who has a confirmed positive test result
3 is ineligible for one year unless the test result was
4 for a controlled substance for which the applicant has a
5 prescription.

6 The department is required to do all of the following
7 in administering the drug testing requirement: implement
8 notification provisions; allow for additional testing following
9 a confirmed positive test result; apply a three-year period of
10 ineligibility if an applicant reapplies but has a subsequent
11 confirmed positive test result; provide a listing of licensed
12 substance abuse treatment programs available in the area of an
13 applicant's residence if the applicant has a confirmed positive
14 test result; and allow for an applicant who has a confirmed
15 positive test result to reapply one time after six months if
16 the applicant provides documentation of completing a licensed
17 substance abuse treatment program within six months of the
18 confirmed positive test result and passes another drug test.

19 If a parent is deemed ineligible for assistance as a result
20 of having a confirmed positive test result, the dependent child
21 remains eligible for assistance and a protective payee is to be
22 designated by the parent to receive the assistance on behalf of
23 the child. If a specified relative or other immediate family
24 member declines to be designated, the department must designate
25 the protective payee. The protective payee is then subject
26 to drug testing before being approved to receive assistance
27 on behalf of the child. A protective payee with a confirmed
28 positive test result is ineligible to receive assistance on
29 behalf of the child.

30 The department is required to adopt rules to implement the
31 new requirements.



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House File 2047 - Introduced

HOUSE FILE 2047
BY ISENHART, HUNTER, and
KEARNS

A BILL FOR

1 An Act requiring minimum sick and safe time for employees,
2 providing a penalty, and including applicability provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. 91F.1 Title.

2 This chapter shall be known and may be cited as the "*Healthy*
3 *and Safe Families and Workplaces Act*".

4 Sec. 2. NEW SECTION. 91F.2 Public policy.

5 It is the public policy of this state to protect public
6 health and safety and to promote the general welfare of its
7 citizens by supporting employers in their efforts to encourage
8 employees to work when they are healthy and by protecting
9 the basic rights of workers who safeguard public health by
10 remaining home when they are ill.

11 Sec. 3. NEW SECTION. 91F.3 Definitions.

12 1. "*Commissioner*" means the labor commissioner appointed
13 pursuant to section 91.2.

14 2. "*Domestic abuse assault*" means as defined in section
15 708.2A.

16 3. "*Employee*" means as defined in the federal Fair Labor
17 Standards Act of 1938, 29 U.S.C. § 201 et seq., as amended.

18 4. "*Employer*" means as defined in the federal Fair Labor
19 Standards Act of 1938, 29 U.S.C. § 201 et seq., as amended.

20 5. "*Family member*" means any of the following:

21 a. An employee's spouse or domestic partner.

22 b. A child or foster child; stepchild; legal ward; a child
23 of a domestic partner; or a child to whom the employee stands
24 in loco parentis.

25 c. A parent or foster parent; stepparent; legal guardian;
26 or a person who stood in loco parentis to the employee when the
27 employee was a minor child.

28 d. A grandparent or spouse or domestic partner of a
29 grandparent.

30 e. A grandchild.

31 f. A sibling or foster sibling; stepsibling; or spouse or
32 domestic partner of a sibling, foster sibling, or stepsibling.

33 g. Any other individual related to the employee by blood
34 or affinity whose close association with the employee is the
35 equivalent of a familial relationship.

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1 6. *"Health care professional"* means as defined in section
2 135.157.

3 7. *"Retaliatory personnel action"* means the discharge,
4 suspension, or demotion of, or any other adverse action taken
5 by an employer against, an employee.

6 8. *"Sexual abuse"* means as defined in section 709.1.

7 9. *"Sick and safe time"* means time, whether paid or unpaid,
8 that is earned and is provided by an employer to an employee
9 for the purposes described in section 91F.5.

10 10. *"Stalking"* means as described in section 708.11.

11 Sec. 4. NEW SECTION. 91F.4 Accrual — sick and safe time.

12 1. An employee who works for compensation for an employer
13 shall have the right to accrue and use sick and safe time as
14 provided in this chapter.

15 2. a. An employee shall accrue a minimum of five and
16 fifty-four hundredths hours of sick and safe time for every
17 forty hours worked.

18 b. An employee shall not accrue more than one hundred
19 forty-four hours of sick and safe time in a calendar year,
20 unless the employer selects a higher limit.

21 3. Employees who are exempt from overtime requirements
22 under section 13(a)(1) of the federal Fair Labor Standards Act
23 of 1938, 29 U.S.C. § 213(a)(1), are deemed to work forty hours
24 in each work week for purposes of sick and safe time accrual
25 unless their normal work week is less than forty hours, in
26 which case sick and safe time accrues based upon that normal
27 work week.

28 4. Sick and safe time as provided in this section shall
29 begin to accrue upon the commencement of employment for new
30 employees and for existing employees beginning July 1, 2012.

31 5. a. A new employee may use accrued sick and safe time
32 beginning on the sixtieth calendar day following commencement
33 of the employee's employment. On and after the sixtieth
34 calendar day of employment, an employee may use accrued sick
35 and safe time and accruing sick and safe time as it accrues.

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1 *b.* Existing employees may use sick and safe time as it
2 accrues pursuant to this chapter.

3 6. Accrued sick and safe time shall be carried over to
4 the following calendar year subject to the limit described in
5 subsection 2, paragraph *"b"*.

6 7. An employer with a leave policy who makes available an
7 amount of leave sufficient to meet the accrual requirements of
8 this section that may be used for the same purposes and under
9 the same conditions as sick and safe time under this chapter is
10 not required to provide additional sick and safe time.

11 8. Nothing in this section shall be construed as requiring
12 financial or other reimbursement to an employee from an
13 employer upon the employee's termination, resignation,
14 retirement, or other separation from employment for accrued
15 sick and safe time that has not been used.

16 9. *a.* If an employee is transferred to a separate division,
17 entity, or location, but remains employed by the same employer,
18 the employee is entitled to all sick and safe time previously
19 accrued; is entitled to immediately use all accrued sick and
20 safe time as provided in this chapter; and shall continue to
21 accrue sick and safe time at the same rate or higher as before
22 the transfer.

23 *b.* When there is a separation from employment and the
24 employee is rehired within three months of the separation
25 by the same employer, previously accrued sick and safe time
26 that had not been used prior to the separation shall be
27 reinstated. The employee may use such accrued sick and safe
28 time immediately upon rehire, and sick and safe time shall
29 begin to accrue immediately upon rehire.

30 10. At the employer's discretion, the employer may advance
31 sick and safe time to an employee ahead of accrual of such time
32 by the employee.

33 Sec. 5. NEW SECTION. **91F.5 Use of sick and safe time —**
34 **purposes — procedures.**

35 1. Sick and safe time shall be provided to an employee by an

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1 employer for the following purposes:

2 *a.* An employee's mental or physical illness, injury, or
3 health condition; an employee's need for medical diagnosis,
4 care, or treatment of a mental or physical illness, injury, or
5 health condition; an employee's need for preventive medical
6 care.

7 *b.* An employee's need to care for a family member with a
8 mental or physical illness, injury, or health condition; an
9 employee's need to care for a family member who needs medical
10 diagnosis, care, or treatment of a mental or physical illness,
11 injury, or health condition; an employee's need to care for a
12 family member who needs preventive medical care.

13 *c.* (1) Closure of the employee's place of work by order of
14 a public official due to a public health emergency.

15 (2) An employee's need to care for a family member whose
16 school or place of care has been closed by order of a public
17 official due to a public health emergency.

18 (3) An employee's need to care for a family member when
19 public health authorities or a health care professional has
20 determined that the family member's presence in the community
21 jeopardizes the health of others because of the family member's
22 exposure to communicable disease, whether or not the family
23 member has actually contracted the communicable disease.

24 *d.* An employee's need to be absent from work due to domestic
25 abuse assault, sexual abuse, or stalking, provided the leave
26 from work is to do one or more of the following:

27 (1) Seek medical attention for the employee or family member
28 to recover from physical or psychological injury or disability
29 caused by domestic abuse assault or sexual abuse.

30 (2) Obtain services from a victim services organization.

31 (3) Obtain psychological or other counseling.

32 (4) Seek relocation due to the domestic abuse assault,
33 sexual abuse, or stalking.

34 (5) Take legal action, including preparing for or
35 participating in any civil or criminal legal proceeding related

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1 to or resulting from the domestic abuse assault, sexual abuse,
2 or stalking.

3 2. Sick and safe time shall be allowed upon the oral request
4 of an employee. When possible, the employee shall include the
5 expected duration of the employee's absence.

6 3. When the use of sick and safe time is foreseeable, the
7 employee shall make a good faith effort to provide notice
8 of the need for such time to the employer in advance of the
9 use of the sick and safe time, and the employee shall make a
10 reasonable effort to schedule the use of sick and safe time in
11 a manner that does not unduly disrupt the operations of the
12 employer.

13 4. Accrued sick and safe time may be used in the smaller of
14 hourly increments or the smallest increment that the employer's
15 payroll system uses to account for absences or use of other
16 time.

17 5. a. For sick and safe time for more than three
18 consecutive days, an employer may require reasonable
19 documentation that the sick and safe time is for the purposes
20 described in subsection 1.

21 (1) Documentation signed by a health care professional
22 indicating that sick time is necessary shall be considered
23 reasonable documentation.

24 (2) A police report indicating that the employee was a
25 victim of domestic abuse assault, sexual abuse, or stalking; a
26 court order; or a signed statement from a victim and witness
27 advocate affirming that the employee is involved in legal
28 action related to domestic abuse assault, sexual abuse, or
29 stalking shall be considered reasonable documentation.

30 b. An employer may not require that the documentation
31 explain the nature of the medical reason or the details of the
32 domestic abuse assault, sexual abuse, or stalking.

33 c. (1) If an employer chooses to require documentation
34 for use of sick time and the employee does not have health
35 insurance, the employer is responsible for paying all

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1 out-of-pocket expenses the employee incurs in obtaining the
2 documentation.

3 (2) If the employee does have health insurance, the
4 employer is responsible for paying any costs charged to the
5 employee by the health care provider for providing the specific
6 documentation required by the employer.

7 6. An employer shall not require as a condition of allowing
8 sick and safe time under this chapter that the employee search
9 for or find a replacement worker to cover the hours during
10 which the employee will be using sick and safe time.

11 Sec. 6. NEW SECTION. 91F.6 Exercise of rights —
12 retaliation prohibited.

13 1. An employer or any other person shall not interfere with,
14 restrain, or deny the exercise of, or the attempt to exercise,
15 any right protected under this chapter.

16 2. An employer shall not take retaliatory personnel action
17 or discriminate against an employee because the employee has
18 exercised rights protected under this chapter. Such rights
19 include but are not limited to the following:

20 a. The right to use sick and safe time pursuant to this
21 chapter.

22 b. The right to file a complaint or inform any person about
23 any employer's alleged violation of this chapter.

24 c. The right to cooperate with the commissioner in any
25 investigation of alleged violations of this chapter.

26 d. The right to inform any person of the person's potential
27 rights under this chapter.

28 3. An employer's absence control policy shall not count
29 sick and safe time taken pursuant to this chapter as an absence
30 that may lead to or result in discipline, discharge, demotion,
31 suspension, or any other adverse action.

32 4. The protections of this section shall apply to any person
33 who mistakenly but in good faith alleges violations of this
34 section.

35 5. There is a rebuttable presumption of retaliation under

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1 this section whenever an employer takes adverse action against
2 an employee within ninety days of when that employee has done
3 any of the following:

4 *a.* Filed a complaint with the commissioner or a court
5 alleging a violation of any provision of this chapter.

6 *b.* Informed any person about an employer's alleged violation
7 of this chapter.

8 *c.* Cooperated with the commissioner or others in an
9 investigation or prosecution of any alleged violation of this
10 chapter.

11 *d.* Opposed any policy, practice, or act that is unlawful
12 under this chapter.

13 *e.* Informed any person of the person's potential rights
14 under this chapter.

15 Sec. 7. NEW SECTION. 91F.7 Notice and posting.

16 1. An employer shall give notice to employees of the
17 following:

18 *a.* Employees are entitled to sick and safe time.

19 *b.* The accrual amounts of sick and safe time.

20 *c.* The terms of use of sick and safe time guaranteed under
21 this chapter.

22 *d.* The prohibition against retaliation against employees who
23 request or use sick and safe time.

24 *e.* Each employee has the right to file a complaint or
25 bring a civil action if sick and safe time as required by
26 this chapter is denied by the employer, or the employee is
27 retaliated against for requesting or taking sick and safe time.

28 2. *a.* An employer may comply with this section by supplying
29 each employee with a notice that contains all the information
30 required in subsection 1.

31 *b.* An employer may comply with this section by displaying a
32 poster and other informational materials in a conspicuous and
33 accessible place in each establishment where such employees
34 are employed which contains all the information required in
35 subsection 1.

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1 3. An employer who willfully violates the notice and posting
2 requirements of this section shall be subject to a civil
3 penalty in an amount not to exceed one hundred dollars for each
4 separate offense.

5 Sec. 8. NEW SECTION. **91F.8 Damages recoverable by an**
6 **employee.**

7 In an action by an employee against the employee's employer
8 or former employer for an alleged violation of this chapter,
9 when it has been shown that the employer has intentionally
10 failed to provide sick and safe time to the employee in
11 violation of this chapter or failed to allow the employee to
12 use accrued sick and safe time as provided by this chapter,
13 the employer shall be liable to the employee for the monetary
14 value of the owed sick and safe time, plus liquidated damages
15 for failure to allow the employee to use accrued sick and safe
16 time, court costs, and any attorney fees incurred in the civil
17 action.

18 Sec. 9. NEW SECTION. **91F.9 Employer records.**

19 1. An employer shall retain records documenting hours
20 worked by employees and sick and safe time taken by employees,
21 for a period of five years.

22 2. An employer shall allow the commissioner access to such
23 records, with notice and at a mutually agreeable time, to
24 monitor compliance with the requirements of this chapter.

25 3. If an issue arises as to an employee's entitlement to
26 sick and safe time under this chapter and the employer does not
27 maintain or retain adequate records according to this section
28 or does not allow the commissioner access to such records, the
29 commissioner or other investigating authority shall presume
30 that the employer has violated this chapter, absent clear and
31 convincing evidence otherwise.

32 Sec. 10. NEW SECTION. **91F.10 Enforcement.**

33 1. Upon the written complaint of the employee involved,
34 the commissioner may determine whether to investigate if
35 an employer has violated any provision of this chapter.

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1 The commissioner shall keep confidential, to the extent
2 permitted by applicable law, the name of and other identifying
3 information about the employee reporting the alleged violation.
4 However, the commissioner, with the authorization of the
5 complaining employee, may disclose the employee's name and
6 other information as necessary to enforce this chapter or for
7 other appropriate purposes.

8 2. If for any reason the commissioner makes a determination
9 not to investigate, the commissioner shall notify the
10 complaining employee within fourteen days of receipt of
11 the complaint. The commissioner shall otherwise notify
12 the employee of the determination to investigate within
13 a reasonable time. If it is determined that there is an
14 enforceable claim, the commissioner, with the consent of the
15 complaining employee and with the assistance of the office
16 of the attorney general if the commissioner requests such
17 assistance, shall, unless a settlement is reached, commence a
18 civil action in any court of competent jurisdiction to recover
19 for the benefit of any employee any sick and safe time claims
20 that have been assigned to the commissioner for recovery.
21 The commissioner may also request reasonable and necessary
22 attorney fees. With the consent of the assigning employee, the
23 commissioner may also settle a claim on behalf of the assigning
24 employee.

25 3. Proceedings under this section that precede commencement
26 of a civil action shall be conducted informally without any
27 party having a right to be heard before the commissioner. The
28 commissioner may join various assignments in one claim for the
29 purpose of settling or litigating the assignees' claims.

30 4. The provisions of subsections 1 and 2 shall not be
31 construed to prevent an employee from settling or bringing an
32 action for damages under section 91F.8 if the employee has not
33 assigned the claim under subsection 2.

34 5. Any recovery of attorney fees, in the case of actions
35 brought under this section by the commissioner, shall be

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1 remitted by the commissioner to the treasurer of state for
2 deposit in the general fund of the state. The commissioner is
3 not required to pay any filing fee or other court costs.

4 Sec. 11. NEW SECTION. 91F.11 Confidentiality and
5 nondisclosure.

6 1. An employer may not require disclosure of details
7 relating to domestic abuse assault, sexual abuse, or stalking,
8 or of the details of an employee's medical condition or that of
9 a family member as a condition of allowing sick and safe time
10 under this chapter.

11 2. If an employer possesses health information or
12 information pertaining to domestic abuse assault, sexual abuse,
13 or stalking about an employee or an employee's family member,
14 such information shall be treated as confidential and not
15 disclosed except to the affected employee or with the written
16 permission of the affected employee.

17 Sec. 12. NEW SECTION. 91F.12 Other sick and safe time
18 policies — legal requirements.

19 1. Nothing in this chapter shall be construed to discourage
20 or prohibit an employer from the adoption or retention of a
21 sick and safe time policy that is more generous than that
22 provided in this chapter.

23 2. Nothing in this chapter shall be construed as diminishing
24 the obligation of an employer to comply with any contract,
25 collective bargaining agreement, employment benefit plan, or
26 other agreement that provides more generous sick and safe time
27 to an employee than required in this chapter.

28 3. Nothing in this chapter shall be construed as diminishing
29 the rights of public employees regarding sick and safe time or
30 the use of sick and safe time as provided by state law.

31 4. This chapter provides minimum requirements pertaining
32 to sick and safe time and shall not be construed to preempt,
33 limit, or otherwise affect the applicability of any other law,
34 regulation, requirement, policy, or standard that provides for
35 greater accrual or use by employees of sick and safe time or

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1 that extends other protections to employees.

2 Sec. 13. NEW SECTION. 91F.13 Paid sick and safe time —
3 posting.

4 1. For the purposes of this section, "*paid sick and safe*
5 *time*" means time that is compensated at the same hourly rate
6 and with the same benefits, including health care benefits, as
7 the employee normally earns during hours worked and is provided
8 by an employer to an employee for the purposes described in
9 section 91F.5, but in no instance shall the hourly wage be less
10 than that provided in section 91D.1.

11 2. Employers in this state are encouraged to offer paid
12 sick and safe time to their employees. The department of
13 public health shall create a poster and other informational
14 materials that may be used by an employer for public display if
15 the employer provides paid sick and safe time to all employees
16 in each establishment where the poster and other informational
17 materials are displayed. The poster and other informational
18 materials shall contain all the information required in section
19 91F.7, subsection 1.

20 3. An employer may apply to the department of public health
21 for authorization to display or distribute the poster and
22 other informational materials created by the department. The
23 department shall verify that an applicant offers paid sick and
24 safe time to all employees in each establishment where the
25 poster and other informational materials will be displayed
26 and is in compliance with the requirements of this chapter.
27 The department shall electronically transmit the poster and
28 other informational materials to any verified applicant. The
29 department shall consult with the commissioner as necessary to
30 carry out the requirements of this section.

31 Sec. 14. Section 91.4, subsection 2, Code Supplement 2011,
32 is amended to read as follows:

33 2. The director of the department of workforce development,
34 in consultation with the labor commissioner, shall, at the
35 time provided by law, make an annual report to the governor

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1 setting forth in appropriate form the business and expense of
2 the division of labor services for the preceding year, the
3 number of remedial actions taken under chapter 89A, the number
4 of disputes or violations processed by the division and the
5 disposition of the disputes or violations, and other matters
6 pertaining to the division which are of public interest,
7 together with recommendations for change or amendment of the
8 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
9 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68,
10 and the recommendations, if any, shall be transmitted by the
11 governor to the first general assembly in session after the
12 report is filed.

13 Sec. 15. Section 135.11, Code Supplement 2011, is amended by
14 adding the following new subsection:

15 NEW SUBSECTION. 31. In consultation with the labor
16 commissioner, carry out duties relating to the creation and
17 transmission of posters and other informational materials
18 pursuant to section 91F.13.

19 Sec. 16. APPLICABILITY. Notwithstanding the section of
20 this Act relating to applicability of this Act on or after
21 the effective date of this Act, this Act does not apply to
22 employees under a contract or collective bargaining agreement
23 that was in effect on or before the effective date of this Act.

24 Sec. 17. APPLICABILITY. This Act applies to all existing
25 employees on and after the effective date of this Act and to
26 all new employees hired on or after that date.

27 EXPLANATION

28 This bill, entitled the "Healthy and Safe Families and
29 Workplace Act", provides minimum sick and safe time, whether
30 paid or unpaid, for all employees working part-time and
31 full-time in the state in new Code chapter 91F. The bill
32 declares that it is the public policy of the state to protect
33 public health and safety and to promote the general welfare
34 of its citizens by supporting employers in their efforts to
35 encourage employees to work when they are healthy and by

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1 protecting the basic rights of workers who safeguard public
2 health by remaining home when they are ill.

3 The bill defines several terms including "family member" and
4 "sick and safe time".

5 The bill provides that all employees shall have the right to
6 accrue and use sick and safe time. The formula for accruing
7 sick and safe time is contained in the bill, and there are
8 limits for the amount of sick and safe time an employee may
9 accrue per year, unless the employer sets a higher limit.

10 The formula for accruing sick and safe time and the
11 limitations and exceptions are provided in new Code section
12 91F.4. Sick and safe time shall begin to accrue for new
13 employees on the first day of work and for existing employees
14 on July 1, 2012. New employees may use accrued sick and safe
15 time starting the 60th day of employment. Existing employees
16 may use sick and safe time as it accrues. Sick and safe time
17 shall carry over each year, but an employee may not use more
18 than 144 hours of sick and safe time per year.

19 An employer who provides a leave policy that meets the
20 minimum accrual requirements and the same minimum uses and
21 conditions is deemed to be in compliance with the bill. The
22 bill does not require employees to be reimbursed for unused
23 sick and safe time upon separation from employment. However,
24 if an employee is moved or transferred within the company,
25 the employee shall retain all accrued sick and safe time and
26 may use such time immediately. If there is an employment
27 separation, but an employee is rehired within three months, all
28 accrued sick and safe time shall be reinstated upon rehire and
29 be available for immediate use. An employer has the discretion
30 to advance sick and safe time to an employee.

31 The bill provides specific reasons for which employees may
32 use the sick and safe time in new Code section 91F.5. An
33 employee shall give reasonable notice to an employer when
34 use of sick and safe time is foreseeable. When an employee
35 uses more than three consecutive days of sick and safe time,

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1 an employer may require reasonable documentation that the
2 time used is covered by the reasons the time may be taken as
3 provided in the bill. An employer who requests documentation
4 for use of sick time by an employee without health insurance
5 is responsible for paying all expenses related to acquiring
6 the documentation. For an employee with health insurance, the
7 employer is responsible for paying any costs charged to the
8 employee to receive the documentation. An employer shall not
9 require an employee to find a replacement worker in order to
10 use sick and safe time.

11 An employee's rights under the bill, including the right
12 to use sick and safe time and to file a complaint against
13 an employer, and the prohibitions against an employer's
14 retaliation against an employee exercising those rights, are
15 explained in new Code section 91F.6.

16 Employers are required to give employees notice of their
17 rights to sick and safe time as described in new Code section
18 91F.7, either by supplying each employee with a notice or
19 by posting such notice in an accessible and obvious place
20 where employees work. Violations of the notice and posting
21 requirements may result in a civil penalty of not more than
22 \$100 for each offense.

23 An employee may recover the monetary value of owed sick
24 and safe time plus liquidated damages for the wrongful denial
25 of use of accrued sick and safe time if an employer is shown
26 to have intentionally violated the bill pursuant to new Code
27 section 91F.8.

28 An employer must retain records documenting hours worked by
29 each employee and the amount of sick and safe time taken by the
30 employees for five years. The labor commissioner shall have
31 reasonable access to these records. If a question arises about
32 an employee's right to sick and safe time and an employer does
33 not have adequate records or does not allow the commissioner to
34 examine the employer's records, the commissioner shall presume
35 that the employer has violated the bill.

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1 Pursuant to new Code section 91F.10, an employee may submit
2 a written complaint to the commissioner, who will determine
3 whether to investigate the claim that an employer has violated
4 any provision of new Code chapter 91F. If the commissioner
5 decides to investigate, the commissioner shall commence a civil
6 action against the employer.

7 An employer may not require an employee to disclose details
8 relating to domestic abuse assault, sexual abuse, stalking,
9 or a medical condition as a condition of using sick and safe
10 time. An employer who has such information shall treat the
11 information as confidential and not disclose it without written
12 consent of the affected employee, according to new Code section
13 91F.11.

14 The bill provides that the new Code chapter does not prohibit
15 an employer from providing a more generous sick and safe time
16 policy, does not diminish an employer's previous contractual
17 obligations for more generous sick and safe time, and does not
18 diminish public employees' rights to sick and safe time as
19 provided by law.

20 The bill encourages employers to offer paid sick and safe
21 time as defined in the bill to their employees. "Paid sick and
22 safe time" is defined to mean time that is compensated at the
23 same hourly rate and with the same benefits, including health
24 care benefits, as the employee normally earns during hours
25 worked.

26 The department of public health, in consultation
27 with the commissioner, is to create a poster and other
28 informational materials which an employer may use for public
29 display if the employer provides sick and safe time to all
30 employees in each establishment where the poster and other
31 informational materials are to be displayed. The poster and
32 other informational materials must comply with the notice
33 requirements for sick and safe time provided in the bill.
34 The department is to make the poster and other informational
35 materials available to an employer upon verification of

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1 compliance with the bill.

2 The bill applies to all existing employees on and after July
3 1, 2012, and to all new hires on or after that date, but does
4 not apply to employees under existing contracts or collective
5 bargaining agreements.



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House File 2048 - Introduced

HOUSE FILE 2048

BY ROGERS, ARNOLD, RAECKER,
COWNIE, J. TAYLOR,
SANDS, HAGENOW, SWEENEY,
DEYOE, KOESTER, SCHULTZ,
WATTS, PEARSON, MASSIE,
IVERSON, VAN ENGELHOFEN,
GARRETT, MOORE, J. SMITH,
LOFGREN, FRY, RASMUSSEN,
VANDER LINDEN, and
PETTENGILL

A BILL FOR

1 An Act prohibiting the use of automated traffic law enforcement
2 systems, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. **NEW SECTION. 321.5A Automated traffic law**
2 **enforcement systems prohibited.**

3 1. The department or a local authority shall not place
4 or cause to be placed on or adjacent to a street or highway,
5 or maintain or employ the use of, an automated traffic law
6 enforcement system for the enforcement of any provision of this
7 chapter or any local ordinance relating to vehicular traffic or
8 to prove a violation of any such provision or ordinance.

9 2. For purposes of this section, "*automated traffic law*
10 *enforcement system*" means a device with one or more sensors
11 working in conjunction with a traffic control signal or device
12 or a speed-measuring device to produce recorded images of
13 vehicles being operated in violation of traffic or speed laws.

14 Sec. 2. **TERMINATION OF AUTOMATED TRAFFIC LAW ENFORCEMENT**
15 **PROGRAMS — REMOVAL OF SYSTEMS — VALIDITY OF PRIOR NOTICES AND**
16 **CITATIONS.**

17 1. A local authority using an automated traffic law
18 enforcement system shall discontinue using the system on or
19 before the effective date of this Act. A local authority shall
20 remove all automated traffic law enforcement system equipment
21 from the highways on or before July 1, 2012.

22 2. As of the effective date of this Act, all local
23 ordinances authorizing the use of an automated traffic law
24 enforcement system are void. However, notices of violations
25 mailed or citations issued pursuant to such an ordinance
26 prior to the date the ordinance becomes void shall not be
27 invalidated under this Act and shall be processed according to
28 the provisions of the law under which they were authorized.

29 Sec. 3. **EFFECTIVE UPON ENACTMENT.** This Act, being deemed of
30 immediate importance, takes effect upon enactment.

31 **EXPLANATION**

32 This bill prohibits the use of automated traffic law
33 enforcement systems in Iowa.

34 Automated traffic law enforcement systems, commonly known
35 as "red light cameras" or "speed cameras", are devices with

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1 one or more sensors which work in conjunction with a traffic
2 control signal or device or a speed-measuring device to produce
3 recorded images of vehicles being operated in violation of
4 traffic or speed laws.

5 The bill requires that a local authority currently using
6 an automated traffic law enforcement system shall discontinue
7 using the system on or before the effective date of the bill.
8 All automated traffic law enforcement system equipment must be
9 removed from the highways by July 1, 2012.

10 A local authority's ordinance authorizing the use of
11 automated traffic law enforcement systems is void on the
12 effective date of the bill, but notices of violations mailed
13 or citations issued under such an ordinance shall not be
14 invalidated and shall be processed according to the prior law.

15 The bill is effective upon enactment.



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House File 2049 - Introduced

HOUSE FILE 2049
BY BALTIMORE

A BILL FOR

1 An Act providing an exemption from the computation of the
2 individual and corporate state income tax of net income
3 from the sale or exchange by an eligible manufacturer of
4 tangible personal property that was manufactured within this
5 state by the eligible manufacturer and including retroactive
6 applicability provisions.
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 422.7, Code Supplement 2011, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 57. *a.* Subtract, to the extent
4 included, net income from the sale or exchange by an
5 eligible manufacturer of tangible personal property that was
6 manufactured within this state by the eligible manufacturer.

7 *b.* The adjustment in paragraph "*a*" for an item of tangible
8 personal property manufactured both within and without this
9 state shall not exceed an amount equal to the same proportion
10 of net income as the allocable costs paid in this state by the
11 taxpayer for the item of tangible personal property bears to
12 the total allocable costs paid by the taxpayer for the item of
13 tangible personal property.

14 *c.* For purposes of this subsection:

15 (1) "*Allocable costs*" means the same as defined in section
16 263A(a)(2) of the Internal Revenue Code.

17 (2) "*Eligible manufacturer*" means a taxpayer who meets all
18 the following requirements:

19 (a) The taxpayer's principal business activity is
20 manufacturing. A taxpayer primarily engaged in selling
21 tangible personal property or services in order to earn a
22 profit and only incidentally engaged in manufacturing tangible
23 personal property is not a manufacturer for purposes of this
24 subsection.

25 (b) The taxpayer does not claim or receive any tax credits
26 listed or allowed in division II or III of this chapter for
27 the tax year in which an adjustment is made pursuant to this
28 subsection.

29 (3) "*Manufactured*" or "*manufacturing*" means adding value to
30 personal property through a process of manufacturing, refining,
31 purifying, combining of different materials, the packaging of
32 meats, extracting and recovering natural resources, and all
33 processes of fabricating and curing, with a view to selling the
34 property for gain or profit.

35 (4) "*Paid*" means paid or accrued or paid or incurred, and

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1 the terms "*paid or accrued*" and "*paid or incurred*" shall be
2 construed according to the method of accounting upon the basis
3 of which the net income is computed under this division.

4 (5) "*Tangible personal property*" means corporeal personal
5 property, such as machinery, tools, implements, goods, wares,
6 computer software, and merchandise, and shall not be taken to
7 mean money deposits in banks, shares of stock, bonds, notes,
8 credits, or evidence of an interest in property and evidences
9 of debt.

10 d. The director shall adopt rules for the administration of
11 this subsection.

12 Sec. 2. Section 422.33, subsection 4, paragraph a, Code
13 Supplement 2011, is amended to read as follows:

14 a. Add items of tax preference included in federal
15 alternative minimum taxable income under section 57, except
16 subsections (a)(1) and (a)(5), of the Internal Revenue Code,
17 make the adjustments included in federal alternative minimum
18 taxable income under section 56, except subsections (a)(4) and
19 (d), of the Internal Revenue Code, and add losses as required
20 by section 58 of the Internal Revenue Code. In making the
21 adjustment under section 56(c)(1) of the Internal Revenue Code,
22 the net income excluded in section 422.35, subsection 26,
23 shall be subtracted, and interest and dividends from federal
24 securities and interest and dividends from state and other
25 political subdivisions and from regulated investment companies
26 exempt from federal income tax under the Internal Revenue
27 Code, net of amortization of any discount or premium, shall be
28 subtracted.

29 Sec. 3. Section 422.35, Code Supplement 2011, is amended by
30 adding the following new subsection:

31 NEW SUBSECTION. 26. a. Subtract, to the extent
32 included, net income from the sale or exchange by an
33 eligible manufacturer of tangible personal property that was
34 manufactured within this state by the eligible manufacturer.
35 b. The adjustment in paragraph "a" for an item of tangible



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1 personal property manufactured both within and without this
2 state shall not exceed an amount equal to the same proportion
3 of net income as the allocable costs paid by the taxpayer in
4 this state for the item of tangible personal property bears to
5 the total allocable costs paid by the taxpayer for the item of
6 tangible personal property.

7 c. For purposes of this subsection:

8 (1) "*Allocable costs*" means the same as defined in section
9 263A(a)(2) of the Internal Revenue Code.

10 (2) "*Eligible manufacturer*" means a taxpayer who meets all
11 the following requirements:

12 (a) The taxpayer's principal business activity is
13 manufacturing. A taxpayer primarily engaged in selling
14 tangible personal property or services in order to earn a
15 profit and only incidentally engaged in manufacturing tangible
16 personal property is not a manufacturer for purposes of this
17 subsection.

18 (b) The taxpayer does not claim or receive any tax credits
19 listed or allowed in division II or III of this chapter for
20 the tax year in which an adjustment is made pursuant to this
21 subsection.

22 (3) "*Manufactured*" or "*manufacturing*" means adding value to
23 personal property through a process of manufacturing, refining,
24 purifying, combining of different materials, the packaging of
25 meats, extracting and recovering natural resources, and all
26 processes of fabricating and curing, with a view to selling the
27 property for gain or profit.

28 (4) "*Paid*" means paid or accrued or paid or incurred, and
29 the terms "*paid or accrued*" and "*paid or incurred*" shall be
30 construed according to the method of accounting upon the basis
31 of which the net income is computed under this division.

32 (5) "*Tangible personal property*" means corporeal personal
33 property, such as machinery, tools, implements, goods, wares,
34 computer software, and merchandise, and shall not be taken to
35 mean money deposits in banks, shares of stock, bonds, notes,

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1 credits, or evidence of an interest in property and evidences
2 of debt.

3 d. The director shall adopt rules for the administration of
4 this subsection.

5 Sec. 4. RETROACTIVE APPLICABILITY. This Act applies
6 retroactively to January 1, 2012, for tax years beginning on
7 or after that date.

EXPLANATION

9 This bill relates to the state taxation of net income from
10 the sale or exchange of tangible personal property manufactured
11 within the state.

12 The bill exempts from the computation of net income and
13 state alternative minimum tax for the individual and corporate
14 income tax all net income from the sale or exchange of tangible
15 personal property manufactured within the state by an eligible
16 manufacturer and sold by the eligible manufacturer. To be
17 considered an eligible manufacturer, a taxpayer's principal
18 business activity must be manufacturing and the taxpayer must
19 not claim or receive any tax credits listed or allowed under
20 the individual or corporate income tax.

21 "Manufactured" and "manufacturing" are defined as adding
22 value to personal property through a process of manufacturing,
23 refining, purifying, combining of different materials,
24 the packaging of meats, extracting and recovering natural
25 resources, and all processes of fabricating and curing, with a
26 view to selling the property for gain or profit.

27 "Tangible personal property" is defined as corporeal
28 personal property, such as machinery, tools, implements, goods,
29 wares, computer software, and merchandise, and shall not be
30 taken to mean money deposits in banks, shares of stock, bonds,
31 notes, credits, or evidence of an interest in property and
32 evidences of debt.

33 The exemption applies to tangible personal property
34 manufactured both within and without this state, but is limited
35 to the same proportion of net income as the allocable costs

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1 paid in this state by the taxpayer for the item of tangible
2 personal property bears to the total allocable costs paid for
3 the item of tangible personal property. Allocable costs,
4 as defined in section 263A(a)(2) of the Internal Revenue
5 Code, generally include those costs that are directly and
6 indirectly related to the production of property which the
7 Internal Revenue Service requires a taxpayer to either include
8 in inventory costs or capitalize. "Paid" is defined to mean
9 paid or accrued or paid or incurred, depending on the method
10 of accounting used by the taxpayer to compute net income for
11 purposes of the individual or corporate income tax.
12 The bill applies retroactively to January 1, 2012, for tax
13 years beginning on or after that date.



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House File 2050 - Introduced

HOUSE FILE 2050
BY BALTIMORE

A BILL FOR

1 An Act establishing a property tax exemption for certain
2 broadband service property and including applicability
3 provisions.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5189YH (3) 84
md/sc



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H.F. 2050

1 Section 1. Section 427.1, Code Supplement 2011, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 25. *Broadband service property.*

4 *a.* The value of all cable, lines, wire, conduits, switches,
5 and other similar equipment or fixtures owned by or leased to
6 a telephone or telegraph company, cable television company,
7 commercial mobile radio service company, or other entity if
8 such property is used primarily for providing broadband service
9 and was installed on or after January 1, 2013.

10 *b.* For purposes of this subsection, "broadband service"
11 means providing two-way data transmission with advertised
12 speeds that exceed seven hundred sixty-eight kilobits per
13 second downstream and at least two hundred kilobits per second
14 upstream to end users.

15 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.7 shall not
16 apply to this Act.

17 Sec. 3. APPLICABILITY. This Act applies to assessment years
18 beginning on or after January 1, 2013.

19 EXPLANATION

20 This bill establishes a property tax exemption for the
21 value of all cable, lines, wire, conduits, switches, and other
22 similar equipment or fixtures owned by telephone or telegraph
23 companies, cable television companies, commercial mobile radio
24 service companies, or other entities if such property is used
25 primarily for providing broadband service and is installed on
26 or after January 1, 2013. The bill defines "broadband service"
27 as providing two-way data transmission with advertised speeds
28 that exceed 768 kilobits per second downstream and at least 200
29 kilobits per second upstream to end users.

30 The bill provides that the provisions in Code section 25B.7,
31 relating to the obligation of the state to reimburse local
32 jurisdictions for property tax credits and exemptions, do not
33 apply to the exemption in the bill.

34 The bill applies to assessment years beginning on or after
35 January 1, 2013.



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House Study Bill 535 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act relating to the authorized deposit of public funds.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5426YC (3) 84
rn/sc



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1 Section 1. Section 12B.10, subsection 7, Code Supplement
2 2011, is amended to read as follows:

3 7. Notwithstanding sections 12C.2, 12C.4, 12C.6, 12C.6A,
4 and any other provision of law relating to the deposits of
5 public funds, if public funds are deposited in a depository,
6 as defined in section 12C.1, any uninsured portion of the
7 public funds invested through the depository may be invested
8 in insured deposits or certificates of deposit arranged by
9 the depository that are placed in or issued by one or more
10 federally insured banks or savings associations regardless of
11 location for the account of the public funds depositor if all
12 of the following requirements are satisfied:

13 a. The full amount of the principal and any accrued interest
14 ~~of each~~ on such public funds or each such certificate of
15 deposit issued shall be covered by federal deposit insurance.

16 b. The depository, either directly or through an agent or
17 subcustodian, shall act as custodian of the insured deposits or
18 certificates of deposit.

19 c. ~~The~~ On the same day that the public funds deposits
20 are placed or the certificates of deposit are issued, the
21 depository shall have received deposits in an amount eligible
22 for federal deposit insurance from, and, with regard to
23 certificates of deposit, shall have issued certificates of
24 deposit to, customers of other financial institutions wherever
25 located that are equal to or greater than the amount of public
26 funds invested under this subsection by the public funds
27 depositor through the depository.

28 Sec. 2. Section 12C.22, subsection 2, unnumbered paragraph
29 1, Code 2011, is amended to read as follows:

30 The amount of the collateral required to be pledged by
31 a bank shall at all times equal or exceed the total of the
32 amount by which the public funds deposits in the bank exceeds
33 the total capital of the bank. For purposes of this section,
34 deposits that comply with section 12B.10, subsection 7, that
35 are evidenced either by one or more certificates of deposit or

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1 one or more orders for the next business day settlement and
2 issuance of certificates of deposit, by a federally insured
3 bank or savings association other than the depository, or that
4 are public funds placed in accordance with section 12B.10,
5 subsection 7, shall not be deemed public funds deposits in the
6 bank or savings association. For purposes of this chapter,
7 unless the context otherwise requires, "*total capital of the*
8 *bank*" means its tier one capital plus both of the following
9 components of tier two capital:

10 Sec. 3. Section 12C.22, subsection 6, Code 2011, is amended
11 by adding the following new paragraph:

12 NEW PARAGRAPH. *f.* Certificates of deposit issued by a
13 federal deposit insurance corporation insured bank, the payment
14 of which is fully insured by the federal deposit insurance
15 corporation both as to principal and accrued interest, and
16 that have been assigned a committee on uniform security
17 identification procedures number and deposited for the account
18 of the public funds depository bank at the depository trust
19 company.

20 EXPLANATION

21 This bill relates to the investment of public funds
22 deposited in a depository, as both are defined in Code section
23 12C.1. Currently, the uninsured portion of public funds
24 invested through a depository may be invested in certificates
25 of deposit arranged by the depository issued by one or more
26 federally insured banks or savings associations. The bill
27 expands such authorized investments to include insured
28 deposits.

29 The bill adds to the list of acceptable forms of collateral
30 for the deposit of public funds specified in Code section
31 12C.22, subsection 6. Collateral may now include certificates
32 of deposit issued by a federal deposit insurance corporation
33 insured bank, the payment of which is fully insured by the
34 federal deposit insurance corporation both as to principal and
35 accrued interest, and that have been assigned a committee on



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1 uniform security identification procedures number and deposited
2 for the account of the public funds depository bank at the
3 depository trust company.



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House Study Bill 536 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
ETHICS BILL BY CHAIRPERSON
KOESTER)

A BILL FOR

1 An Act relating to ethics regulations for gifts received at
2 certain functions and meetings.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5435HC (2) 84
tm/rj



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1 Section 1. Section 68B.22, subsection 4, paragraphs g and s,
2 Code 2011, are amended to read as follows:

3 g. Actual expenses of a donee for food, beverages,
4 registration, travel, and lodging for a meeting, which is
5 given in return for ~~participation in a panel or a~~ speaking
6 engagement as a single speaker or as part of a panel discussion
7 at the meeting when the expenses relate directly to the day
8 or days on which the donee has ~~participation or presentation~~
9 responsibilities a speaking engagement. For purposes of
10 this paragraph, a donee is only a person with speaking
11 responsibilities.

12 s. Gifts of food, beverage, and entertainment received
13 at a function where every member of the general assembly has
14 been invited to attend, when the function takes place during
15 a regular session of the general assembly. A sponsor of a
16 function under this paragraph shall file a registration at
17 least five days prior to the function taking place identifying
18 the sponsor and the date, time, and location of the function.
19 The registration shall be filed with the person or persons
20 designated by the secretary of the senate and the chief clerk
21 of the house and with the board. After a function takes place,
22 the sponsor of the function shall file a report disclosing
23 the total amount expended, including in-kind expenditures,
24 on food, beverage, and entertainment for the function. The
25 report shall be filed with the person or persons designated by
26 the secretary of the senate and the chief clerk of the house
27 and with the board within twenty-eight calendar days following
28 the date of the function. For purposes of this paragraph,
29 "entertainment" does not include admission to a sporting event,
30 concert, theatrical performance, or other similar type of event
31 or performance that is open to the public and requires paid
32 admission.

33 EXPLANATION

34 This bill relates to ethics regulations for gifts received
35 at certain functions and meetings.

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tm/rj

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1 Currently, the gift law prohibits public officials, public
2 employees, and candidates, and immediate family members
3 of public officials, public employees, and candidates from
4 accepting or receiving gifts from restricted donors. The gift
5 law includes a list of exceptions that makes an otherwise
6 impermissible gift permissible.

7 Currently, one of the exceptions is for food, beverages,
8 registration, travel, and lodging for a meeting, which is given
9 in return for participation in a panel or a speaking engagement
10 at the meeting when the expenses relate directly to the day
11 or days on which the donee has participation or presentation
12 responsibilities. The bill provides that such permissible
13 gifts must be given in return for a speaking engagement
14 as a single speaker or as part of a panel discussion. The
15 bill provides that a donee is only a person with speaking
16 responsibilities.

17 Currently, one of the exceptions is for gifts of food,
18 beverage, and entertainment received at a function where every
19 member of the general assembly has been invited to attend,
20 when the function takes place during a regular session of the
21 general assembly. Currently, a sponsor of a function must
22 register a function prior to the function taking place. The
23 bill provides that the registration must be filed at least
24 five days prior to the function taking place. The bill
25 also provides that the term "entertainment" does not include
26 admission to a sporting event, concert, theatrical performance,
27 or other similar type of event or performance that is open to
28 the public and requires paid admission.



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House Study Bill 537 - Introduced

HOUSE RESOLUTION NO. _____

BY (PROPOSED COMMITTEE ON ETHICS RESOLUTION BY
CHAIRPERSON KOESTER)

1 A Resolution amending the House Code of Ethics.

2 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES, That
3 Rule 8, as adopted by the House of Representatives
4 during the 2011 Session in House Resolution 7, is
5 amended to read as follows:

6 8. GIFTS ACCEPTED OR RECEIVED. Members and
7 employees of the house shall comply with the
8 restrictions relating to the receipt or acceptance
9 of gifts contained in section 68B.22 of the Code.
10 The sponsor of a function under section 68B.22,
11 subsection 4, paragraph "s", shall electronically
12 file a registration with the chief clerk of the house
13 five days prior to the function disclosing the name of
14 the sponsor, and the date, time, and location of the
15 function. The sponsor shall also electronically file a
16 report of expenditures as required pursuant to section
17 68B.22, subsection 4, paragraph "s".

18 BE IT FURTHER RESOLVED, That Rule 12, paragraphs
19 d and e, as adopted by the House of Representatives
20 during the 2011 Session in House Resolution 7, are
21 amended to read as follows:

22 d. Confidentiality of complaint. The identity of
23 the parties and the contents of the complaint shall be
24 confidential until the time that the committee ~~meets to~~
25 ~~determine whether the complaint is valid~~ chairperson
26 and ranking member determine under paragraph "f"
27 that the complaint is sufficient as to form, unless

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1 either the complainant or the party charged in the
2 complaint makes the identity of the parties, or the
3 information contained in, the complaint, public.
4 ~~However, if either the complainant or party alleged~~
5 ~~to have committed the violation requests that the~~
6 ~~meeting to determine whether the complaint is valid be~~
7 ~~a closed meeting and the identity of the parties or the~~
8 ~~contents of the complaint have not been disclosed, the~~
9 ~~meeting shall be closed.~~ The chief clerk of the house
10 and the committee chairperson and ranking member may
11 communicate confidentially with appropriate legislative
12 staff during any stage of the complaint process.

13 e. Notice of complaint. Upon receipt of the
14 complaint, the chief clerk of the house shall promptly
15 notify the chairperson and ranking member of the
16 ethics committee that a complaint has been filed and
17 provide both the chairperson and the ranking member
18 with copies of the complaint and any supporting
19 information. Within two working days, the chief clerk
20 shall send notice, either by personal delivery or by
21 certified mail, return receipt requested, to the person
22 or persons alleged to have committed the violation,
23 along with a copy of the complaint and any supporting
24 information. The notice to the accused person shall
25 contain a request that the person submit a written
26 response to the complaint within ten working days of
27 the date that the notice was sent by the chief clerk.
28 At the request of the accused person, the committee may
29 extend the time for the response, not to exceed ten
30 additional calendar days. A response to a complaint

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1 shall not be confidential.

2 BE IT FURTHER RESOLVED, That Rule 12, paragraph
3 f, unnumbered paragraph 1, as adopted by the House
4 of Representatives during the 2011 Session in House
5 Resolution 7, is amended to read as follows:

6 The committee chairperson and the ranking
7 member shall review the complaint and supporting
8 information to determine whether the complaint meets
9 the requirements as to form. If the complaint is
10 deficient as to form, the complaint shall be returned
11 to the complainant with instructions indicating the
12 deficiency ~~unless the committee decides to proceed on~~
13 ~~its own motion.~~ If the complaint is in writing, is
14 sufficient as to form, and contains the appropriate
15 certification, as soon as practicable, the chairperson
16 shall call a meeting of the committee to review the
17 complaint to determine whether the complaint meets the
18 requirements for validity and whether the committee
19 should take action on the complaint pursuant to
20 paragraph "g" or whether the committee should request
21 that the chief justice of the supreme court appoint an
22 independent special counsel to conduct an investigation
23 to determine whether probable cause exists to believe
24 that a violation of the house code of ethics, house
25 rules governing lobbyists, or chapter 68B of the Code,
26 has occurred. The sufficiency as to form determination
27 and the valid complaint requirements determination
28 shall be based solely upon the original complaint and
29 the response to the complaint. Additional documents
30 or responses shall not be filed by the parties or

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1 otherwise considered by the committee prior to a
2 validity determination. The committee shall not
3 receive or consider oral testimony in support of or
4 against a validity determination.



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House Study Bill 538 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

A BILL FOR

1 An Act providing for increases in monetary limits applicable to
2 motor vehicle-related credit transactions pursuant to the
3 consumer credit code.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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rn/nh



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1 Section 1. Section 537.1301, subsection 13, paragraph a,
2 Code 2011, is amended to read as follows:

3 a. Except as provided in paragraph "b", a consumer credit
4 sale is a sale of goods, services, or an interest in land in
5 which all of the following are applicable:

6 (1) Credit is granted either pursuant to a seller credit
7 card or by a seller who regularly engages as a seller in credit
8 transactions of the same kind.

9 (2) The buyer is a person other than an organization.

10 (3) The goods, services, or interest in land are purchased
11 primarily for a personal, family, or household purpose.

12 (4) Either the debt is payable in installments or a finance
13 charge is made.

14 (5) With respect to a sale of goods or services, the amount
15 financed does not exceed twenty-five thousand dollars.

16 (6) With respect to a sale of a motor vehicle, the amount
17 financed does not exceed fifty thousand dollars.

18 Sec. 2. Section 537.1301, subsection 14, paragraph a,
19 subparagraph (4), Code 2011, is amended to read as follows:

20 (4) The amount payable under the lease does not exceed
21 twenty-five thousand dollars or, if the lease is a motor
22 vehicle lease, the amount payable under the lease does not
23 exceed fifty thousand dollars.

24 Sec. 3. Section 537.1301, subsection 15, paragraph a,
25 subparagraph (5), Code 2011, is amended to read as follows:

26 (5) The amount financed does not exceed twenty-five
27 thousand dollars or, if the loan is obtained to finance the
28 purchase of a motor vehicle, the amount financed does not
29 exceed fifty thousand dollars.

30 EXPLANATION

31 This bill increases the jurisdictional monetary limit
32 applicable to motor vehicle-related credit transactions
33 contained in the Iowa consumer credit code. Currently, in
34 the definitions of consumer credit sale, consumer lease,
35 and consumer loan, the applicable maximum monetary limit is

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1 \$25,000. The bill increases this limit to \$50,000 with respect
2 to consumer credit sales, leases, and loans involving a motor
3 vehicle.



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House Study Bill 539 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON COMMERCE BILL BY
CHAIRPERSON SODERBERG)

A BILL FOR

1 An Act providing for the issuance of a ratemaking principles
2 order when a rate-regulated public utility enters into a
3 power purchase agreement under specified circumstances.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5496YC (3) 84
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1 Section 1. Section 476.53, subsection 3, Code 2011, is
2 amended to read as follows:

3 3. a. The board shall specify in advance, by order issued
4 after a contested case proceeding, the ratemaking principles
5 that will apply when the costs of the electric power generating
6 facility, ~~or~~ alternate energy production facility, or power
7 purchased pursuant to a power purchase agreement are included
8 in regulated electric rates whenever a rate-regulated public
9 utility does any of the following:

10 (1) Files an application pursuant to section 476A.3 to
11 construct in Iowa a baseload electric power generating facility
12 with a nameplate generating capacity equal to or greater
13 than three hundred megawatts or a combined-cycle electric
14 power generating facility, or an alternate energy production
15 facility as defined in section 476.42, or to significantly
16 alter an existing generating facility. For purposes of
17 this subparagraph, a significant alteration of an existing
18 generating facility must, in order to qualify for establishment
19 of ratemaking principles, fall into one of the following
20 categories:

21 (a) Conversion of a coal fueled facility into a gas fueled
22 facility.

23 (b) Addition of carbon capture and storage facilities at a
24 coal fueled facility.

25 (c) Addition of gas fueled capability to a coal fueled
26 facility, in order to convert the facility to one that will
27 rely primarily on gas for future generation.

28 (d) Addition of a biomass fueled capability to a coal fueled
29 facility.

30 With respect to a significant alteration of an existing
31 generating facility, an original facility shall not be required
32 to be either a baseload or a combined-cycle facility. Only
33 the incremental investment undertaken by a utility under
34 subparagraph divisions (a), (b), (c), or (d) shall be eligible
35 to apply the ratemaking principles established by the order

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1 issued pursuant to paragraph "e". Facilities for which advanced
2 ratemaking principles are obtained pursuant to this section
3 shall not be subject to a subsequent board review pursuant to
4 section 476.6, subsection 21 to the extent that the investment
5 has been considered by the board under this section. To the
6 extent an eligible utility has been authorized to make capital
7 investments subject to section 476.6, subsection 21, such
8 investments shall not be eligible for ratemaking principles
9 pursuant to this section.

10 (2) Leases or owns in Iowa, in whole or in part, a new
11 baseload electric power generating facility with a nameplate
12 generating capacity equal to or greater than three hundred
13 megawatts or a combined-cycle electric power generating
14 facility, or a new alternate energy production facility as
15 defined in section 476.42.

16 (3) Enters into a power purchase agreement with a term
17 longer than seven years to purchase in excess of three hundred
18 megawatts of output from an electric power generating facility
19 in this state.

20 b. In determining the applicable ratemaking principles,
21 the board shall not be limited to traditional ratemaking
22 principles or traditional cost recovery mechanisms. Among the
23 principles and mechanisms the board may consider, the board
24 has the authority to approve ratemaking principles proposed by
25 a rate-regulated public utility that provide for reasonable
26 restrictions upon the ability of the public utility to seek
27 a general increase in electric rates under section 476.6 for
28 at least three years after the generating facility begins
29 providing service to Iowa customers.

30 c. In determining the applicable ratemaking principles, the
31 board shall make the following findings:

32 (1) The rate-regulated public utility has in effect a
33 board-approved energy efficiency plan as required under section
34 476.6, subsection 16.

35 (2) The rate-regulated public utility has demonstrated

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1 to the board that the public utility has considered other
2 sources for long-term electric supply and that the facility,
3 ~~or lease, or power purchase agreement~~ is reasonable when
4 compared to other feasible alternative sources of supply. The
5 rate-regulated public utility may satisfy the requirements of
6 this subparagraph through a competitive bidding process, under
7 rules adopted by the board, that demonstrate the facility, ~~or~~
8 ~~lease, or power purchase agreement~~ is a reasonable alternative
9 to meet its electric supply needs.

10 *d.* The applicable ratemaking principles shall be determined
11 in a contested case proceeding, which proceeding may be
12 combined with the proceeding for issuance of a certificate
13 conducted pursuant to chapter 476A.

14 *e.* The order setting forth the applicable ratemaking
15 principles shall be issued prior to the commencement of
16 construction or lease of, or purchase of power by agreement
17 from, the facility.

18 *f.* Following issuance of the order, the rate-regulated
19 public utility shall have the option of proceeding according to
20 either of the following:

21 (1) Withdrawing its application for a certificate pursuant
22 to chapter 476A.

23 (2) Proceeding with the construction or lease of, or
24 purchase of power by agreement from, the facility.

25 *g.* Notwithstanding any provision of this chapter to the
26 contrary, the ratemaking principles established by the order
27 issued pursuant to paragraph "e" shall be binding with regard
28 to the specific electric power generating facility or power
29 purchase agreement in any subsequent rate proceeding.

30 EXPLANATION

31 This bill relates to the advance determination by the Iowa
32 utilities board of applicable ratemaking principles when
33 regulated electric rates are proposed to include the costs of
34 specified actions by a rate-regulated public utility.

35 Currently, Code section 476.53 provides that the board shall

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1 issue a ratemaking principles order when a rate-regulated
2 public utility files an application to construct in Iowa a
3 baseload electric power generating facility with a nameplate
4 generating capacity equal to or greater than 300 megawatts
5 or a combined-cycle electric power generating facility, or
6 an alternate energy production facility; or to significantly
7 alter an existing generating facility; or leases or owns such
8 a facility. The bill additionally provides for the issuance
9 of a ratemaking principles order when a rate-regulated public
10 utility enters into a power purchase agreement with a term
11 longer than seven years to purchase in excess of 300 megawatts
12 of output from a generating facility in Iowa. The bill makes
13 conforming changes throughout the Code section consistent with
14 this addition.



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House Study Bill 540 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON SANDS)

A BILL FOR

1 An Act relating to city and county authority to address slum
2 and blight and economic development by modifying Iowa's
3 urban renewal law, providing for a future repeal of Iowa's
4 urban renewal law, authorizing cities and counties to
5 establish project development areas and to utilize tax
6 increment financing for certain projects, and including
7 effective date provisions.
8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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md/sc



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1 DIVISION I
2 IOWA'S URBAN RENEWAL LAW
3 Section 1. Section 403.4, Code 2011, is amended to read as
4 follows:
5 403.4 Resolution of necessity.
6 1. No municipality shall exercise the authority herein
7 conferred upon municipalities by this chapter until after its
8 local governing body shall have adopted a resolution finding
9 that:
10 1- a. One or more slum, blighted, or economic development
11 areas exist in the municipality.
12 2- b. The rehabilitation, conservation, redevelopment,
13 development, or a combination thereof, of the area is necessary
14 in the interest of the public health, safety, or welfare of the
15 residents of the municipality.
16 2. A local governing body shall not adopt a resolution under
17 this section on or after the effective date of this Act.
18 Sec. 2. Section 403.5, subsection 4, paragraph b,
19 subparagraph (1), subparagraph division (a), subparagraph
20 subdivision (ii), Code 2011, is amended to read as follows:
21 (ii) That conditions of slum or blight in the municipality
22 and the shortage of decent, safe, and sanitary housing cause or
23 contribute to an increase in and spread of disease and crime,
24 so as to constitute a menace to the public health, safety,
25 morals, or welfare.
26 Sec. 3. Section 403.5, Code 2011, is amended by adding the
27 following new subsection:
28 NEW SUBSECTION. 4A. A municipality shall not approve an
29 urban renewal plan on or after the effective date of this Act.
30 A municipality may, subject to subsection 5, amend an urban
31 renewal plan in effect on the effective date of this Act.
32 Sec. 4. Section 403.5, subsections 5 and 6, Code 2011, are
33 amended to read as follows:
34 5. a. An Subject to the limitation in paragraph "b",
35 an urban renewal plan may be modified amended at any



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1 time: ~~Provided, that.~~ However, if modified the urban renewal
2 plan is amended after the lease or sale by the municipality
3 of real property in the urban renewal project area, such
4 ~~modification amendment~~ may be conditioned upon such approval of
5 the owner, lessee or successor in interest as the municipality
6 may deem advisable, and in any event such ~~modification~~
7 amendment shall be subject to such rights at law or in
8 equity as a lessee or purchaser, or a lessee's or purchaser's
9 successor or successors in interest, may be entitled to
10 assert. The municipality shall comply with the notification
11 and consultation process provided in this section prior to the
12 approval of any amendment ~~or modification~~ to an adopted urban
13 renewal plan if such amendment ~~or modification~~ provides for
14 refunding bonds or refinancing resulting in an increase in
15 debt service or provides for the issuance of bonds or other
16 indebtedness, to be funded primarily in the manner provided in
17 section 403.19.

18 b. An urban renewal plan in effect on the effective date of
19 this Act shall not be amended on or after the effective date of
20 this Act if such amendment would result in an extension of the
21 date of termination otherwise required for the urban renewal
22 area under section 403.24.

23 6. Upon the approval by a municipality of an urban renewal
24 plan or of any ~~modification thereof~~ amendment to an urban
25 renewal plan, such plan or ~~modification~~ amendment shall be
26 deemed to be in full force and effect for the respective urban
27 renewal area, and the municipality may then cause such plan or
28 ~~modification~~ amendment to be carried out in accordance with its
29 terms.

30 Sec. 5. Section 403.6, subsection 6, unnumbered paragraph
31 1, Code 2011, is amended to read as follows:

32 Within its area of operation, to make or have made all
33 surveys and planning necessary to the carrying out of the
34 purposes of this chapter, and to contract with any person in
35 making and carrying out of such planning, and to adopt or



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1 approve, ~~modify~~ and amend, such planning. Such planning may
2 include, without limitation:

3 Sec. 6. Section 403.6, subsection 6, paragraph b, Code 2011,
4 is amended to read as follows:

5 *b.* Urban renewal plans, adopted or amended, pursuant to the
6 requirements of section 403.5.

7 Sec. 7. Section 403.6, subsection 12, Code 2011, is amended
8 to read as follows:

9 12. To approve and amend urban renewal plans, subject to the
10 requirements of section 403.5.

11 Sec. 8. Section 403.12, subsection 1, paragraph e, Code
12 2011, is amended to read as follows:

13 *e.* Enter into agreements, which may extend over any period,
14 ~~notwithstanding any provision or rule of law to the contrary~~
15 subject to the limitations of this chapter, with a municipality
16 or other public body respecting action to be taken pursuant
17 to any of the powers granted by this chapter, including the
18 furnishing of funds or other assistance in connection with an
19 urban renewal project.

20 Sec. 9. Section 403.14, subsection 2, paragraph b, Code
21 2011, is amended to read as follows:

22 *b.* The power to approve urban renewal plans and
23 ~~modifications~~ amendments thereof;

24 Sec. 10. Section 403.17, Code 2011, is amended by adding the
25 following new subsection:

26 NEW SUBSECTION. 12A. "Indebtedness" includes but is not
27 limited to a written agreement to suspend, abate, exempt,
28 rebate, refund, or reimburse property taxes, to make a direct
29 payment of taxes, or to provide a grant for property taxes
30 paid.

31 Sec. 11. Section 403.17, subsection 23, Code 2011, is
32 amended to read as follows:

33 23. "Urban renewal area" means a slum area, blighted area,
34 economic development area, or combination of the areas, which
35 the local governing body designates as appropriate for an urban



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1 renewal project. An urban renewal area shall not include
2 territory located within a project development area under
3 chapter 402.

4 Sec. 12. Section 403.19, subsection 2, Code Supplement
5 2011, is amended to read as follows:

6 2. That portion of the taxes each year in excess of such
7 amount shall be allocated to and when collected be paid into
8 a special fund of the municipality to pay the principal of
9 and interest on loans, moneys advanced to, or indebtedness,
10 whether funded, refunded, assumed, or otherwise, including
11 bonds issued under the authority of section 403.9, subsection
12 1, incurred by the municipality to finance or refinance, in
13 whole or in part, an urban renewal project within the area,
14 and to provide assistance for low and moderate income family
15 housing as provided in section 403.22, ~~except that.~~ However,
16 taxes for the regular and voter-approved physical plant and
17 equipment levy of a school district imposed pursuant to section
18 298.2, and taxes for the payment of bonds and interest of each
19 taxing district must, and the foundation property tax imposed
20 pursuant to section 257.3 to the extent provided in subsection
21 9, shall be collected against all taxable property within the
22 taxing district without limitation by the provisions of this
23 subsection. However, all or a portion of the taxes for the
24 physical plant and equipment levy shall be paid by the school
25 district to the municipality if the auditor certifies to the
26 school district by July 1 the amount of such levy that is
27 necessary to pay the principal and interest on bonds issued by
28 the municipality to finance an urban renewal project, which
29 bonds were issued before July 1, 2001. Indebtedness incurred
30 to refund bonds issued prior to July 1, 2001, shall not be
31 included in the certification. Such school district shall pay
32 over the amount certified by November 1 and May 1 of the fiscal
33 year following certification to the school district subsection
34 8 applies. Unless and until the total assessed valuation of
35 the taxable property in an urban renewal area exceeds the



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1 total assessed value of the taxable property in such area as
2 shown by the last equalized assessment roll referred to in
3 subsection 1, all of the taxes levied and collected upon the
4 taxable property in the urban renewal area shall be paid into
5 the funds for the respective taxing districts as taxes by
6 or for the taxing districts in the same manner as all other
7 property taxes. When such loans, advances, indebtedness, and
8 bonds, if any, and interest thereon, have been paid, all moneys
9 thereafter received from taxes upon the taxable property in
10 such urban renewal area shall be paid into the funds for the
11 respective taxing districts in the same manner as taxes on all
12 other property. In those instances where a school district
13 has entered into an agreement pursuant to section 279.64 for
14 sharing of school district taxes levied and collected from
15 valuation described in this subsection and released to the
16 school district, the school district shall transfer the taxes
17 as provided in the agreement.

18 Sec. 13. Section 403.19, subsection 6, paragraph a,
19 subparagraph (2), Code Supplement 2011, is amended to read as
20 follows:

21 (2) A certification made under this paragraph "a" shall
22 include the date that the individual loans, advances,
23 indebtedness, or bonds were initially approved by the governing
24 body of the municipality and a schedule of payments of such
25 amounts.

26 Sec. 14. Section 403.19, subsection 8, Code Supplement
27 2011, is amended to read as follows:

28 8. a. For any fiscal year, a municipality may certify to
29 the county auditor for physical plant and equipment revenue
30 necessary for payment of principal and interest on bonds issued
31 prior to July 1, 2001, only if the municipality certified for
32 such revenue for the fiscal year beginning July 1, 2000. A
33 municipality shall not certify to the county auditor for a
34 school district more than the amount the municipality certified
35 for the fiscal year beginning July 1, 2000. If for any fiscal



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1 year a municipality fails to certify to the county auditor
2 for a school district by July 1 the amount of physical plant
3 and equipment revenue necessary for payment of principal
4 and interest on such bonds, as provided in subsection 2,
5 the school district is not required to pay over the revenue
6 to the municipality. The county auditor shall immediately
7 certify to the school district the amount of such levy that is
8 necessary to pay the principal and interest on bonds issued by
9 the municipality to finance an urban renewal project, which
10 bonds were issued prior to July 1, 2001. Indebtedness incurred
11 to refund bonds issued prior to July 1, 2001, shall not be
12 included in the certification. Such school district shall pay
13 over the amount certified by November 1 and May 1 of the fiscal
14 year following certification to the school district.

15 b. If a school district and a municipality are unable to
16 agree on the amount of physical plant and equipment revenue
17 certified by the municipality for the fiscal year beginning
18 July 1, 2001, either party may request that the state appeal
19 board review and finally pass upon the amount that may
20 be certified. Such appeals must be presented in writing
21 to the state appeal board no later than July 31 following
22 certification. The burden shall be on the municipality to
23 prove that the physical plant and equipment levy revenue is
24 necessary to pay principal and interest on bonds issued prior
25 to July 1, 2001. A final decision must be issued by the state
26 appeal board no later than the following October 1.

27 Sec. 15. Section 403.19, Code Supplement 2011, is amended by
28 adding the following new subsections:

29 NEW SUBSECTION. 9. For fiscal years beginning on or after
30 July 1, 2018, the foundation property tax imposed pursuant
31 to section 257.3, shall for the purposes of subsection 2,
32 be collected against all taxable property within the taxing
33 district without limitation and paid to the school district in
34 the following amounts:

35 a. For the fiscal year beginning July 1, 2018, one dollar



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1 and eight cents per thousand dollars of assessed value.

2 **b.** For the fiscal year beginning July 1, 2019, two dollars
3 and sixteen cents per thousand dollars of assessed value.

4 **c.** For the fiscal year beginning July 1, 2020, three dollars
5 and twenty-four cents per thousand dollars of assessed value.

6 **d.** For the fiscal year beginning July 1, 2021, four dollars
7 and thirty-two cents per thousand dollars of assessed value.

8 **e.** For fiscal years beginning on or after July 1, 2022, five
9 dollars and forty cents per thousand dollars of assessed value
10 or, if applicable, the specified foundation property tax under
11 section 257.3, subsection 4.

12 NEW SUBSECTION. 10. A municipality shall not adopt an
13 ordinance providing for a division of revenue under this
14 section on or after the effective date of this Act. However, a
15 municipality may, on or after the effective date of this Act,
16 amend an existing ordinance that provides for a division of
17 revenue under this section, subject to the limitations in this
18 chapter.

19 Sec. 16. Section 403.21, Code Supplement 2011, is amended by
20 adding the following new subsection:

21 NEW SUBSECTION. 4. This section shall not apply to joint
22 agreements entered into or joint plans adopted on or after
23 the effective date of this Act. Section 402.21 shall apply
24 to joint agreements entered into or joint plans adopted on or
25 after the effective date of this Act.

26 Sec. 17. NEW SECTION. 403.23 **Reporting — audit.**

27 1. On or before December 1 of each year, each municipality
28 that has established an urban renewal area shall report to the
29 department of management and to the appropriate county auditor
30 the total amount of loans, advances, indebtedness, or bonds
31 outstanding at the close of the most recently ended fiscal
32 year, which qualify for payment from the special fund created
33 in section 403.19, including interest negotiated on such loans,
34 advances, indebtedness, or bonds. The amount of each loan,
35 advance, indebtedness, or bond shall also be identified by the

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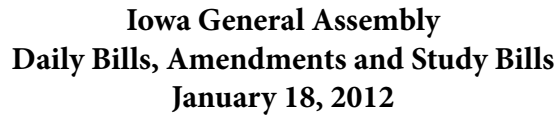
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1 urban renewal area and by the specific urban renewal project
2 for which such amount was incurred.

3 2. At the request of the legislative services agency,
4 the department of management shall provide the reports and
5 additional information to the legislative services agency. The
6 department of management, in consultation with the legislative
7 services agency, shall determine reporting criteria and shall
8 prepare a form for reports filed with the department pursuant
9 to this section. The department shall make the form available
10 by electronic means.

11 3. If a municipality does not file the report with the
12 department of management and the county auditor by December 1,
13 the county treasurer shall withhold disbursement of incremental
14 taxes to the municipality until the report is filed beginning
15 immediately with the next following disbursement of taxes.
16 The county auditor shall notify the county treasurer if taxes
17 are to be withheld. The county auditor and county treasurer
18 shall not be liable for damages to the municipality or to any
19 third party resulting from the withholding of taxes under this
20 subsection.

21 4. a. Each municipality that has established an urban
22 renewal area which utilizes, or which plans to utilize,
23 revenues from the special fund created in section 403.19,
24 shall in each odd-numbered year contract with or employ
25 the auditor of state or certified public accountants for an
26 audit or examination of the condition of its special fund
27 and all financial transactions related thereto. The audit
28 or examination shall include a determination of whether
29 the municipality is in compliance with the laws, rules,
30 regulations, and contractual agreements applicable to the
31 special fund. Such an audit is also mandatory on application
32 by one hundred or more taxpayers, or if there are fewer than
33 six hundred sixty-seven taxpayers in the municipality, then by
34 fifteen percent of the taxpayers. Payment for the audit or
35 examination shall be made from the proper public funds of the



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1 municipalities, provide means and methods for the encouragement
2 and assistance of industrial and commercial enterprises
3 in locating, purchasing, constructing, reconstructing,
4 modernizing, improving, maintaining, repairing, furnishing,
5 equipping, and expanding in this state and its municipalities,
6 provide means and methods for completion of public improvements
7 related to housing and residential development, and provide
8 means and methods for the construction of housing for low
9 and moderate income families. It is therefore necessary to
10 authorize local governing bodies to designate areas of a
11 municipality as project development areas for the purpose of
12 undertaking projects related to these policies, and the powers
13 granted in this chapter constitute the performance of essential
14 public purposes for this state and its municipalities.

15 2. It is further found and declared that the powers
16 conferred by this chapter are for public uses and purposes for
17 which public money may be expended and for which the power of
18 eminent domain, to the extent authorized, and police power may
19 be exercised. The necessity in the public interest for the
20 provisions herein enacted is hereby declared as a matter of
21 legislative determination.

22 Sec. 23. NEW SECTION. 402.3 **Municipal program.**

23 The local governing body of a municipality may formulate for
24 the municipality a workable program for utilizing appropriate
25 private and public resources to establish a project development
26 area and undertake a project under this chapter. Such a
27 program may include, without limitation, provisions for:

28 1. The prevention of the spread of slum and blight into
29 areas of the municipality which are free from slum and blight.

30 2. The rehabilitation, redevelopment, or conservation of
31 slum and blighted areas or portions thereof.

32 3. The clearance of slum and blighted areas or portions
33 thereof.

34 4. The redevelopment of slum and blighted areas.

35 Sec. 24. NEW SECTION. 402.4 **Resolution of necessity.**

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1 A municipality shall not exercise the authority conferred
2 upon municipalities by this chapter until after its local
3 governing body has adopted a resolution finding that:
4 1. One or more slum, blighted, or economic development areas
5 exist in the municipality.

6 2. The rehabilitation, conservation, redevelopment,
7 development, or a combination thereof, of such areas is
8 necessary in the interest of the public health, safety, or
9 welfare of the residents of the municipality.

10 Sec. 25. **NEW SECTION. 402.5 Project development plan.**

11 1. a. A municipality shall not approve a project for
12 a project development area unless the governing body has,
13 by resolution, determined the area to be a slum area,
14 blighted area, economic development area, or a combination
15 of those areas, and designated the area as appropriate for a
16 project. The local governing body shall not approve a project
17 development plan until a general plan for the municipality has
18 been prepared. For this purpose and other municipal purposes,
19 authority is vested in every municipality to prepare, to
20 adopt, and to revise from time to time, a general plan for the
21 physical development of the municipality as a whole, giving
22 due regard to the environs and metropolitan surroundings. A
23 municipality shall not acquire real property for a project
24 unless the local governing body has approved the project
25 development plan in accordance with subsection 4.

26 b. The actual value in the aggregate of all property located
27 in project development areas established by a municipality
28 shall not exceed twenty-five percent of the total actual value
29 of all property within the municipality's area of operation.

30 2. a. The municipality may itself prepare or cause
31 to be prepared a project development plan. Any person or
32 agency, public or private, may also submit such a plan to a
33 municipality. Prior to its approval of a project development
34 plan, the local governing body shall submit such plan to the
35 planning commission of the municipality, if any, for review and

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1 recommendations as to its conformity with the general plan for
2 the development of the municipality as a whole. The planning
3 commission shall submit its written recommendations with
4 respect to the proposed project development plan to the local
5 governing body within thirty days after receipt of the plan for
6 review. Upon receipt of the recommendations of the planning
7 commission or, if no recommendations are received within the
8 thirty days, then, without such recommendations, the local
9 governing body may proceed with the hearing on the proposed
10 project development plan prescribed by subsection 3, or with
11 notification, consultation, and approval process in paragraph
12 "b" if the plan provides for a division of revenue.

13 b. (1) Prior to its approval of a project development
14 plan which provides for a division of revenue pursuant to
15 section 402.19, the municipality shall mail the proposed
16 plan by regular mail to the affected taxing entities. The
17 municipality shall include with the proposed plan notification
18 of a consultation to be held between the municipality and
19 affected taxing entities prior to the public hearing on the
20 project development plan. Each affected taxing entity may
21 appoint a representative to attend the consultation. The
22 consultation may include a discussion of the estimated growth
23 in valuation of taxable property included in the proposed
24 project development area, the fiscal impact of the division
25 of revenue on the affected taxing entities, the estimated
26 impact on the provision of services by each of the affected
27 taxing entities in the proposed project development area, and
28 the duration of any bond issuance included in the plan. The
29 designated representative of the affected taxing entity may
30 make written recommendations for modification to the proposed
31 division of revenue no later than seven days following the date
32 of the consultation. The representative of the municipality
33 shall, no later than fourteen days after the consultation
34 held under this subparagraph, submit a written response to
35 the affected taxing entity addressing the recommendations for



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1 modification to the proposed division of revenue.

2 (2) If each affected taxing entity, following the
3 notification and consultation process under subparagraph (1),
4 approves by resolution the proposed division of revenue, the
5 local governing body may proceed with the public hearing in
6 subsection 3. Failure to approve or disapprove by resolution
7 the proposed division of revenue shall not be considered an
8 approval by the affected taxing entity.

9 3. The local governing body shall hold a public hearing
10 on a project development plan after public notice thereof by
11 publication in a newspaper having a general circulation in
12 the area of operation of the municipality. The notice shall
13 describe the time, date, place, and purpose of the hearing,
14 shall generally identify the project development area covered
15 by the plan, shall outline the general scope of the projects
16 and activities under consideration, and shall describe any
17 proposed division of revenue. A copy of the notice shall be
18 sent by ordinary mail to each affected taxing entity.

19 4. Following such hearing, the local governing body may
20 approve a project development plan if it finds that:

21 a. A feasible method exists for the location of families
22 who will be displaced from the project development area into
23 decent, safe, and sanitary dwelling accommodations within their
24 means and without undue hardship to such families.

25 b. The project development plan conforms to the general plan
26 of the municipality for development of the municipality as a
27 whole.

28 c. (1) The project development plan does not include
29 acquisition by the municipality of an area of open land
30 including but not limited to agricultural land, unless section
31 402.7, subsection 1, paragraph "a", applies or unless such
32 area is to be developed for residential uses, there exists a
33 shortage of housing of sound standards and design with decency,
34 safety, and sanitation in the municipality, the acquisition
35 of the area is an integral part of and essential to the

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1 municipality, and that one or more of the following conditions
2 exist:

3 (a) The need for housing accommodations has been or will be
4 increased as a result of the clearance of slums in other areas,
5 including other portions of the project development area.

6 (b) Conditions of blight in the municipality and the
7 shortage of decent, safe, and sanitary housing cause or
8 contribute to an increase in and spread of disease and crime,
9 so as to constitute a menace to the public health, safety,
10 morals, or welfare.

11 (c) The provision of public improvements related to
12 housing and residential development will encourage housing
13 and residential development which is necessary to encourage
14 the retention or relocation of industrial and commercial
15 enterprises in this state and its municipalities.

16 (d) Acquisition of the area is necessary to provide for the
17 construction of housing for low and moderate income families.

18 (2) The acquisition of open land authorized in subparagraph
19 (1) may require the exercise of governmental action, as
20 provided in this chapter, because of defective or unusual
21 conditions of title, diversity of ownership, tax delinquency,
22 improper subdivisions, outmoded street patterns, deterioration
23 of site, economic disuse, unsuitable topography or faulty lot
24 layouts, or because of the need for the correlation of the
25 area with other areas of a municipality by streets and modern
26 traffic requirements, or any combination of such factors or
27 other conditions which retard development of the area. If such
28 governmental action involves the exercise of eminent domain
29 authority, the municipality is subject to the limitations of
30 this chapter and chapters 6A and 6B.

31 d. The proposed uses of the area are necessary and
32 appropriate to facilitate the proper growth and development of
33 the community in accordance with sound planning standards and
34 local community objectives.

35 5. A project development plan may be amended at any time.



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1 However, if the project development plan is amended after the
2 lease or sale by the municipality of real property in the
3 project development area, such amendment may be conditioned
4 upon such approval of the owner, lessee, or successor in
5 interest as the municipality may deem advisable, and in any
6 event such modification shall be subject to such rights at
7 law or in equity as a lessee or purchaser, or a lessee's
8 or purchaser's successor or successors in interest, may be
9 entitled to assert. The municipality shall comply with the
10 notification and consultation process provided in subsection
11 2, paragraph "b", subparagraph (1), prior to the approval of
12 any amendment to an adopted project development plan if such
13 amendment provides for refunding bonds or refinancing resulting
14 in an increase in debt service or provides for the issuance
15 of bonds or other indebtedness, to be funded primarily in the
16 manner provided in section 402.19.

17 6. Upon the approval by a municipality of a project
18 development plan or of any amendment thereof, such plan or
19 amendment shall be deemed to be in full force and effect for
20 the respective project development area, and the municipality
21 may then cause such plan or amendment to be carried out in
22 accordance with its terms.

23 7. Notwithstanding any other provisions of this chapter,
24 where the local governing body certifies that an area is in
25 need of redevelopment or rehabilitation as a result of a flood,
26 fire, hurricane, earthquake, storm, or other catastrophe
27 respecting which the governor of the state has certified
28 the need for disaster assistance under Pub. L. No. 81-875,
29 Eighty-first Congress, 64 Stat. 1109, codified at 42 U.S.C. §
30 1855 - 1855g or other federal law, the local governing body may
31 approve a project development plan and a project with respect
32 to such area without regard to the provisions of subsection
33 4 and without regard to provisions of this section requiring
34 notification and consultation and approval by affected taxing
35 entities, and a public hearing on the project development plan

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1 or project.

2 Sec. 26. NEW SECTION. 402.6 Powers of municipality.

3 The provisions of this chapter shall be liberally
4 interpreted to achieve the purposes of this chapter. Every
5 municipality shall have all the powers necessary or convenient
6 to carry out and effectuate the purposes and provisions of this
7 chapter, including the following powers in addition to others
8 granted in this chapter:

9 1. To undertake and carry out projects within its area of
10 operation, to make and execute contracts and other instruments
11 necessary or convenient to the exercise of its powers under
12 this chapter, and to disseminate slum clearance and urban
13 renewal information.

14 2. To arrange or contract for the furnishing or repair by
15 any person of services, privileges, works, streets, roads,
16 public utilities or other facilities for or in connection with
17 a project; to install, construct, and reconstruct streets,
18 utilities, and other public improvements; and to agree to
19 any conditions, that it may deem reasonable and appropriate,
20 attached to federal financial assistance and imposed pursuant
21 to federal law relating to the determination of prevailing
22 salaries or wages or compliance with labor standards, in the
23 undertaking or carrying out of a project; and to include in any
24 contract let in connection with such a project, provisions to
25 fulfill such of said conditions as it may deem reasonable and
26 appropriate.

27 3. Within its area of operation, to enter into any
28 building or property in any project development area in
29 order to make inspections, surveys, appraisals, soundings
30 or test borings, and to obtain an order for this purpose
31 from a court of competent jurisdiction in the event entry is
32 denied or resisted; to acquire by purchase, lease, option,
33 gift, grant, bequest, devise, eminent domain, or otherwise,
34 any real property, or personal property for administrative
35 purposes, together with any improvements thereon; to hold,

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1 improve, clear, or prepare for redevelopment any such property;
2 to mortgage, pledge, hypothecate, or otherwise encumber or
3 dispose of any real property; to insure or provide for the
4 insurance of any real or personal property or operations of the
5 municipality against any risks or hazards, including the power
6 to pay premiums on any such insurance; and to enter into any
7 contracts necessary to effectuate the purposes of this chapter.
8 A municipality or other public body exercising powers under
9 this chapter with respect to the acquisition, clearance, or
10 disposition of property shall not be restricted by any other
11 statutory provision in the exercise of such powers unless
12 such statutory provision specifically states its application
13 to this chapter or unless this chapter specifically applies
14 restrictions contained in another statutory provision to the
15 powers that may be exercised under this chapter.
16 4. To invest any project development funds held in reserves
17 or sinking funds, or any such funds not required for immediate
18 disbursement, in property or securities in which a state bank
19 may legally invest funds subject to its control and to redeem
20 such bonds as have been issued pursuant to section 402.9 at the
21 redemption price established therein, or to purchase such bonds
22 at less than redemption price, all such bonds so redeemed or
23 purchased to be canceled.
24 5. To borrow money and to apply for and accept advances,
25 loans, grants, contributions, and any other form of financial
26 assistance from the federal government, the state, county, or
27 other public body, or from any sources, public or private,
28 for the purposes of this chapter, and to give such security
29 as may be required, and to enter into and carry out contracts
30 in connection therewith. A municipality may include in any
31 contract for financial assistance with the federal government
32 for a project such conditions imposed pursuant to federal laws
33 as the municipality may deem reasonable and appropriate and
34 which are not inconsistent with the purposes of the chapter.
35 6. Within its area of operation, to make or have made all



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1 surveys and planning necessary to the carrying out of the
2 purposes of this chapter, and to contract with any person in
3 making and carrying out of such planning, and to adopt or
4 approve, and amend, such planning. Such planning may include,
5 without limitation:

6 *a.* A general plan for the locality as a whole.

7 *b.* Project development plans.

8 *c.* Preliminary plans outlining projects and activities for
9 neighborhoods that are included within two or more project
10 development areas.

11 *d.* Planning for carrying out a program of voluntary
12 or compulsory repair and rehabilitation of buildings and
13 improvements.

14 *e.* Planning for the enforcement of state and local laws,
15 codes, and regulations relating to the use of land and the
16 use and occupancy of buildings and improvements and to the
17 compulsory repair, rehabilitation, demolition, or removal of
18 buildings and improvements.

19 *f.* Appraisals, title searches, surveys, studies, and other
20 planning and work necessary to prepare for the undertaking of
21 projects. The municipality is authorized to develop, test, and
22 report methods and techniques, and carry out demonstrations and
23 other activities, for the prevention and the elimination of
24 slums and urban blight and to apply for, accept, and utilize
25 grants of funds from the federal government for such purposes.

26 7. To plan for the relocation of persons, including
27 families, business concerns, and others, displaced by a
28 project, and to make relocation payments to or with respect to
29 such persons for moving expenses and losses of property for
30 which reimbursement or compensation is not otherwise made,
31 including the making of such payments financed by the federal
32 government. Other provisions of the Code notwithstanding, in
33 making such payments on projects not federally funded, the
34 municipality may pay relocation assistance benefits in the
35 amounts authorized by the Uniform Relocation Assistance and

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1 Real Property Acquisition Policies Act of 1970, Pub. L. No.
2 91-646, as amended by the Uniform Relocation Act Amendments of
3 1987, Tit. IV, Pub. L. No. 100-17.

4 8. To appropriate such funds and make such expenditures as
5 may be necessary to carry out the purposes of this chapter,
6 and to levy taxes and assessments for such purposes; to zone
7 or rezone any part of the municipality or make exceptions
8 from building regulations; and to enter into agreements,
9 respecting action to be taken by such municipality pursuant
10 to any of the powers granted by this chapter, with a project
11 development agency vested with project development powers under
12 section 402.14, which agreements may extend over any period,
13 notwithstanding any provision of law to the contrary.

14 9. To close, vacate, plan, or replan streets, roads,
15 sidewalks, ways, or other places, and to plan or replan any
16 part of the municipality.

17 10. Within its area of operation, to organize, coordinate,
18 and direct the administration of the provisions of this chapter
19 as they apply to such municipality in order that the objective
20 of remedying slum and blighted areas, and preventing the causes
21 thereof, within such municipality, may be most effectively
22 promoted and achieved; and to establish such new office or
23 offices of the municipality, or to reorganize existing offices,
24 in order to carry out such purpose most effectively.

25 11. To exercise all or any part of combination of powers
26 herein granted.

27 12. To approve project development plans.

28 13. To sell and convey real property in furtherance of a
29 project.

30 14. To supplement the rent required to be paid by any family
31 residing in the municipality forced to relocate by reason of
32 any governmental activity, provided it is necessary to do so
33 in order to house such family in decent, safe, and sanitary
34 housing and provided further that such family does not have
35 sufficient means, as determined by the municipality, to pay the



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1 required rent for such housing. Any such rent supplement for
2 any such family shall not continue for more than five years.

3 15. To acquire by purchase, gift, or condemnation real
4 property within its area of operation for the relocation of
5 railroad passenger and freight depots, tracks, and yard, and
6 other railroad facilities and to sell or exchange and convey
7 such real property to railroads.

8 16. To acquire or dispose of by purchase, construction, or
9 lease, or otherwise to deal in air rights, and facilities or
10 easements for lateral or vertical support of land or structures
11 of any kind.

12 17. Subject to applicable state or federal regulations
13 in effect at the time of the municipal action, accept
14 contributions, grants, and other financial assistance from
15 the state or federal government to be used upon a finding of
16 public purpose for grants, loans, loan guarantees, interest
17 supplements, technical assistance, or other assistance as
18 necessary or appropriate to private persons for a project.

19 18. To provide in a project development plan for the
20 exclusion from taxation of value added to real estate during
21 the process of construction for development or redevelopment.
22 The exclusion may be limited as to the scope of exclusion,
23 territory, or class of property affected. However, the value
24 added during construction shall not be eligible for exclusion
25 from taxation for more than two years and the exclusion shall
26 not be applied to a facility which has been more than eighty
27 percent completed as of the most recent date of assessment.
28 This subsection permits the elimination only of those
29 taxes which are levied against assessments made during the
30 construction of the development or redevelopment.

31 19. a. A municipality, upon entering into a development or
32 redevelopment agreement pursuant to section 402.8, subsection
33 1, or as otherwise permitted in this chapter, may enter into
34 a written assessment agreement with the developer of taxable
35 property in the project development area which establishes a



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1 minimum actual value of the land and completed improvements to
2 be made on the land until a specified termination date which
3 shall not be later than the date after which the tax increment
4 will no longer be remitted to the municipality pursuant to
5 section 402.19, subsection 2. The assessment agreement shall
6 be presented to the appropriate assessor. The assessor shall
7 review the plans and specifications for the improvements to
8 be made and if the minimum actual value contained in the
9 assessment agreement appears to be reasonable, the assessor
10 shall execute the following certification upon the agreement:

11 The undersigned assessor, being legally responsible for the
12 assessment of the above described property upon completion of
13 the improvements to be made on it, certifies that the actual
14 value assigned to that land and improvements upon completion
15 shall not be less than \$.....

16 b. This assessment agreement with the certification of
17 the assessor and a copy of this subsection shall be filed in
18 the office of the county recorder of the county where the
19 property is located. Upon completion of the improvements,
20 the assessor shall value the property as required by law,
21 except that the actual value shall not be less than the minimum
22 actual value contained in the assessment agreement. This
23 subsection does not prohibit the assessor from assigning a
24 higher actual value to the property or prohibit the owner
25 from seeking administrative or legal remedies to reduce the
26 actual value assigned except that the actual value shall not
27 be reduced below the minimum actual value contained in the
28 assessment agreement. An assessor, county auditor, board of
29 review, director of revenue, or court of this state shall not
30 reduce or order the reduction of the actual value below the
31 minimum actual value in the agreement during the term of the
32 agreement regardless of the actual value which may result from
33 the incomplete construction of improvements, destruction or
34 diminution by any cause, insured or uninsured, except in the
35 case of acquisition or reacquisition of the property by a



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1 public entity. Recording of an assessment agreement complying
2 with this subsection constitutes notice of the assessment
3 agreement to a subsequent purchaser or encumbrancer of the land
4 or any part of it, whether voluntary or involuntary, and is
5 binding upon a subsequent purchaser or encumbrancer.

6 Sec. 27. NEW SECTION. **402.7 Condemnation of property.**

7 1. a. A municipality shall have the right to acquire by
8 condemnation any interest in real property, including a fee
9 simple title thereto, which it may deem necessary for or in
10 connection with a project under this chapter, subject to the
11 limitations of this chapter and the limitations on eminent
12 domain authority in chapter 6A.

13 b. A municipality shall not, however, condemn agricultural
14 land included within a project development area for any
15 use unless the owner of the agricultural land consents to
16 condemnation or unless the municipality determines that the
17 land is necessary or useful for any of the following:

18 (1) The operation of a city utility as defined in section
19 362.2.

20 (2) The operation of a city franchise conferred the
21 authority to condemn private property under section 364.2.

22 (3) The operation of a combined utility system as defined
23 in section 384.80.

24 2. A municipality shall exercise the power of eminent domain
25 in the manner provided in chapter 6B. Property already devoted
26 to a public use may be acquired in like manner. However, real
27 property belonging to the state, or any political subdivision
28 of this state, shall not be acquired without its consent, and
29 real property or any right or interest in the property owned
30 by any public utility company, pipeline company, railway or
31 transportation company vested with the right of eminent domain
32 under the laws of this state shall not be acquired without
33 the consent of the company, or without first securing, after
34 due notice to the company and after hearing, a certificate
35 authorizing condemnation of the property from the board,



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1 commission, or body having the authority to grant a certificate
2 authorizing condemnation.

3 3. In a condemnation proceeding, if a municipality proposes
4 to take a part of a lot or parcel of real property, the
5 municipality shall also take the remaining part of the lot or
6 parcel if requested by the owner.

7 Sec. 28. NEW SECTION. 402.8 Sale or lease of property.

8 1. A municipality may sell, lease, or otherwise transfer
9 real property or any interest in real property acquired by it,
10 and may enter into contracts for such purposes, in a project
11 development area for residential, recreational, commercial,
12 industrial, or other uses, or for public use, subject to
13 covenants, conditions, and restrictions, including covenants
14 running with the land, it deems to be necessary or desirable
15 to assist in preventing the development or spread of future
16 slums or blighted areas, or to otherwise carry out the purposes
17 of this chapter. However, the sale, lease, other transfer,
18 or retention, and any agreement relating to it, may be made
19 only after the approval of the project development plan by
20 the local governing body. The purchasers or lessees and
21 their successors and assigns shall devote the real property
22 only to the uses specified in the project development plan,
23 and they may be obligated to comply with other requirements
24 the municipality determines to be in the public interest,
25 including the requirement to begin within a reasonable time
26 any improvements on the real property required by the project
27 development plan. The real property or interest shall be sold,
28 leased, otherwise transferred, or retained at not less than its
29 fair value for uses in accordance with the project development
30 plan except as provided in subsection 3. In determining the
31 fair value of real property for uses in accordance with the
32 project development plan, a municipality shall take into
33 account and give consideration to the uses provided in the
34 plan; the restrictions upon, and the covenants, conditions,
35 and obligations assumed by the purchaser or lessee or by the



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1 municipality retaining the property; and the objectives of the
2 plan for the prevention of the recurrence of slum or blighted
3 areas. The municipality in an instrument of conveyance to a
4 private purchaser or lessee may provide that the purchaser
5 or lessee shall not sell, lease, or otherwise transfer the
6 real property, without the prior written consent of the
7 municipality, until the purchaser or lessee has completed the
8 construction of any or all improvements which the purchaser
9 or lessee has become obligated to construct. Real property
10 acquired by a municipality which, in accordance with the
11 project development plan, is to be transferred, shall be
12 transferred as rapidly as feasible in the public interest,
13 consistent with the carrying out of the project development
14 plan. A contract for a transfer under the project development
15 plan, or a part or parts of the contract or plan as the
16 municipality determines, may be recorded in the land records of
17 the county in a manner to afford actual or constructive notice
18 of the contract or plan.

19 2. a. A municipality may dispose of real property in
20 a project development area to private persons only under
21 reasonable competitive bidding procedures it shall prescribe,
22 or as provided in this subsection. A municipality, by
23 public notice by publication in a newspaper having a general
24 circulation in the community, thirty days prior to the
25 execution of a contract to sell, lease, or otherwise transfer
26 real property, and prior to the delivery of an instrument
27 of conveyance with respect to the real property under this
28 section, may invite proposals from and make available all
29 pertinent information to any persons interested in undertaking
30 to redevelop or rehabilitate a project development area, or
31 a part of the area. The notice shall identify the area, or
32 portion of the area, and shall state that proposals shall be
33 made by those interested within thirty days after the date
34 of publication of the notice, and that further information
35 available may be obtained at the office designated in the



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1 notice. The municipality shall consider all redevelopment
2 or rehabilitation proposals, and the financial and legal
3 ability of the persons making the proposals to carry them
4 out, and the municipality may negotiate with any persons for
5 proposals concerning the purchase, lease, or other transfer
6 of real property acquired by the municipality in the project
7 development area. The municipality may accept the proposal it
8 deems to be in the public interest and in furtherance of the
9 purposes of this chapter. However, a notification of intention
10 to accept the proposal shall be filed with the governing body
11 not less than thirty days prior to the acceptance. Thereafter,
12 the municipality may execute a contract in accordance
13 with subsection 1 and may deliver deeds, leases, and other
14 instruments and may take all steps necessary to effectuate the
15 contract.

16 **b.** This subsection does not apply to real property disposed
17 of for the purpose of development or redevelopment as an
18 industrial building or facility, facilities for use as a center
19 for export for international trade, a home office or regional
20 office facility for a multistate business, or which meets the
21 criteria set forth in subsection 3.

22 **3.** The requirement that real property or an interest in
23 real property transferred or retained for the purpose of
24 a development or redevelopment be sold, leased, otherwise
25 transferred, or retained at not less than its fair market
26 value does not apply if the developer enters into a written
27 assessment agreement with the municipality pursuant to section
28 402.6, subsections 18 and 19, and the minimum actual value
29 contained in the assessment agreement would indicate that there
30 will be sufficient taxable valuations to permit the collection
31 of incremental taxes as provided in section 402.19, subsection
32 2, to cause the indebtedness and other costs incurred by
33 the municipality with respect to the property or interest
34 transferred or retained to be repayable as to principal within
35 four tax years following the commencement of full operation of



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1 the development.

2 4. A municipality may temporarily operate and maintain
3 real property acquired in a project development area pending
4 the disposition of the property as authorized in this chapter,
5 without regard to the provisions of subsection 1, for such uses
6 and purposes as may be deemed desirable, even though not in
7 conformity with the project development plan.

8 Sec. 29. NEW SECTION. **402.9 Issuance of bonds.**

9 1. A municipality shall have power to periodically issue
10 bonds in its discretion to pay the costs of carrying out the
11 purposes and provisions of this chapter, including but not
12 limited to the payment of principal and interest upon any
13 advances for surveys and planning, and the payment of interest
14 on bonds, herein authorized, not to exceed three years from the
15 date the bonds are issued. The municipality shall have power
16 to issue refunding bonds for the payment or retirement of such
17 bonds previously issued by the municipality. Said bonds shall
18 be payable solely from the income and proceeds of the fund and
19 portion of taxes referred to in section 402.19, subsection 2,
20 and revenues and other funds of the municipality derived from
21 or held in connection with the undertaking and carrying out of
22 projects under this chapter. The municipality may pledge to
23 the payment of the bonds the fund and portion of taxes referred
24 to in section 402.19, subsection 2, and may further secure the
25 bonds by a pledge of any loan, grant, or contribution from the
26 federal government or other source in aid of any projects of
27 the municipality under this chapter, or by a mortgage of any
28 such projects, or any part thereof, title which is vested in
29 the municipality.

30 2. Bonds issued under this section constitute an
31 indebtedness within the meaning of any constitutional or
32 statutory debt limitation or restriction, and shall be subject
33 to the provisions of any other law or charter relating to the
34 authorization, issuance, or sale of bonds. Bonds issued under
35 the provisions of this chapter are declared to be issued for an

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1 essential public and governmental purpose and, together with
2 interest thereon and income therefrom, shall be exempted from
3 all taxes.

4 3. a. Bonds issued under this section shall be authorized
5 by resolution or ordinance of the local governing body and
6 may be issued in one or more series and shall bear such date
7 or dates, be payable upon demand or mature at such time or
8 times, bear interest at such rate or rates not exceeding
9 that permitted by chapter 74A, be in such denomination or
10 denominations, be in such form either coupon or registered,
11 carry such conversion or registration privileges, have such
12 rank or priority, be executed in such manner, be payable in
13 such medium of payment, at such place or places, and be subject
14 to such terms of redemption, with or without premium, be
15 secured in such manner, and have such other characteristics,
16 as may be provided by such resolution or trust indenture or
17 mortgage issued pursuant thereto.

18 b. Before the local governing body may institute proceedings
19 for the issuance of bonds under this section, a notice of
20 the proposed action, including a statement of the amount and
21 purposes of the bonds and the time and place of the meeting at
22 which the local governing body proposes to take action for the
23 issuance of the bonds, must be published as provided in section
24 362.3. At the meeting, the local governing body shall receive
25 oral or written objections from any resident or property owner
26 of the municipality. After all objections have been received
27 and considered, the local governing body, at that meeting or
28 any subsequent meeting, may take additional action for the
29 issuance of the bonds or abandon the proposal to issue the
30 bonds. Any resident or property owner of the municipality
31 may appeal the decision of the local governing body to take
32 additional action to the district court of the county in which
33 any part of the municipality is located, within fifteen days
34 after the additional action is taken. The additional action
35 of the local governing body is final and conclusive unless the



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1 court finds that the municipality exceeded its authority.

2 4. Such bonds may be sold at not less than ninety-eight
3 percent of par at public or private sale, or may be exchanged
4 for other bonds at not less than ninety-eight percent of par.

5 5. In case any of the public officials of the municipality
6 whose signatures appear on any bonds or coupons issued under
7 this chapter shall cease to be such officials before the
8 delivery of such bonds, such signatures shall, nevertheless,
9 be valid and sufficient for all purposes, the same as if such
10 officials had remained in office until such delivery. Any
11 provision of any law to the contrary notwithstanding, any bonds
12 issued pursuant to this chapter shall be fully negotiable.

13 6. In any suit, action, or proceeding involving the validity
14 or enforceability of any bond issued under this chapter, or the
15 security therefor, any such bond reciting in substance that
16 it has been issued by the municipality in connection with a
17 project, as herein defined, shall be conclusively deemed to
18 have been issued for such purpose and such project shall be
19 conclusively deemed to have been planned, located, and carried
20 out in accordance with the provisions of this chapter.

21 Sec. 30. NEW SECTION. **402.10 Bonds as legal investment.**

22 All banks, trust companies, building and loan associations,
23 savings and loan associations, investment companies, and other
24 persons carrying on an investment business; all insurance
25 companies, insurance associations, and other persons carrying
26 on an insurance business; and all executors, administrators,
27 curators, trustees, and other fiduciaries, may legally invest
28 any sinking funds, moneys, or other funds belonging to them or
29 within their control in any bonds or other obligations issued
30 by a municipality pursuant to this chapter, or those issued by
31 any project development agency vested with project development
32 powers under section 402.14. Such bonds and other obligations
33 shall be authorized security for all public deposits. It is
34 the purpose of this section to authorize any persons, political
35 subdivisions, and officers, public or private, to use any funds

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1 owned or controlled by them for the purchase of any such bonds
2 or other obligations. Nothing contained in this section with
3 regard to legal investments shall be construed as relieving any
4 person of any duty of exercising reasonable care in selecting
5 securities.

6 Sec. 31. NEW SECTION. 402.11 Exemptions from legal process.

7 1. All property of a municipality, including funds, owned
8 or held by it for the purposes of this chapter shall be exempt
9 from levy and sale by virtue of an execution. Execution or
10 other judicial process shall not issue against the property and
11 a judgment against a municipality shall not be a charge or lien
12 upon such property. However, the provisions of this section
13 shall not apply to or limit the right of obligees to pursue
14 any remedies for the enforcement of any pledge or lien given
15 pursuant to this chapter by a municipality on its rents, fees,
16 grants, or revenues from projects.

17 2. The property of a municipality, acquired or held for the
18 purposes of this chapter, is declared to be public property
19 used for essential public and governmental purposes, and such
20 property shall be exempt from all taxes of the municipality,
21 the county, the state, or any political subdivision thereof.
22 However, such tax exemption shall terminate when the
23 municipality sells, leases, or otherwise disposes of such
24 property in a project development area to a purchaser or lessee
25 which is not a public body entitled to tax exemption with
26 respect to such property.

27 Sec. 32. NEW SECTION. 402.12 Powers of municipality.

28 1. For the purpose of aiding in the planning, undertaking,
29 or carrying out of a project located within the project
30 development area in which it is authorized to act, any public
31 body may, upon such terms, with or without consideration, as
32 it may determine:

33 a. Dedicate, sell, convey, or lease any of its interest in
34 any property, or grant easements, licenses, or other rights or
35 privileges therein to a municipality.



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1 *b.* Incur the entire expense of any public improvements made
2 by such public body in exercising the powers granted in this
3 section.

4 *c.* Do any and all things necessary to aid or cooperate in
5 the planning or carrying out of a project.

6 *d.* Lend, grant, or contribute funds to a municipality.

7 *e.* Enter into agreements, which may extend over any period,
8 notwithstanding any provision or rule of law to the contrary,
9 with a municipality or other public body respecting action
10 to be taken pursuant to any of the powers granted by this
11 chapter, including the furnishing of funds or other assistance
12 in connection with a project.

13 *f.* Cause public buildings, public facilities, or any other
14 public works which it is otherwise empowered to undertake to
15 be furnished.

16 *g.* Furnish, dedicate, close, vacate, pave, install, grade,
17 regrade, plan, or replan streets, roads, sidewalks, ways, or
18 other places.

19 *h.* Plan, replan, zone, or rezone any part of the
20 municipality or make exceptions from building regulations.

21 *i.* Cause administrative and other services to be furnished
22 to the municipality.

23 2. If at any time title to or possession of any project
24 is held by any public body or governmental agency, including
25 any agency or instrumentality of the United States, other than
26 the municipality, which is authorized by law to engage in the
27 undertaking, carrying out, or administration of projects, the
28 provisions of the agreements referred to in this section shall
29 inure to the benefit of and may be enforced by such public body
30 or governmental agency. As used in this subsection, the term
31 "*municipality*" shall also include a project development agency
32 vested with all of the project development powers pursuant to
33 the provisions of section 402.14.

34 3. Any sale, conveyance, lease, or agreement provided for in
35 this section may be made by a public body without appraisal,



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1 public notice, advertisement, or public bidding.

2 4. For the purpose of aiding in the planning, undertaking,
3 or carrying out of a project of a project development agency,
4 a municipality may, in addition to its other powers and upon
5 such terms, with or without consideration, as it may determine,
6 do and perform any or all of the actions or things which, by
7 the provisions of subsection 1, a public body is authorized to
8 do or perform, including the furnishing of financial and other
9 assistance.

10 5. For the purposes of this section, or for the purpose
11 of aiding in the planning, undertaking, or carrying out of a
12 project of a municipality, a municipality may, in addition to
13 any authority to issue bonds pursuant to section 402.9, issue
14 and sell its general obligation bonds. Any bonds issued by a
15 municipality pursuant to this section must be issued, in the
16 case of a city, by resolution of the council in the manner and
17 within the limitations prescribed by chapter 384, division
18 III, or in the case of a county, by resolution of the board of
19 supervisors in the manner and within the limitations prescribed
20 by chapter 331, division IV, part 3. Bonds issued pursuant to
21 the provisions of this subsection must be sold in the manner
22 prescribed by chapter 75. The additional power granted in
23 this subsection for the financing of public undertakings and
24 activities by municipalities within a project development area
25 shall not be construed as a limitation of the existing powers
26 of municipalities.

27 Sec. 33. NEW SECTION. 402.13 **Presumption of title.**

28 Any instrument executed by a municipality and purporting to
29 convey any right, title, or interest in any property under this
30 chapter shall be conclusively presumed to have been executed
31 in compliance with the provisions of this chapter insofar as
32 title or other interest of any bona fide purchasers, lessees,
33 or transferees of such property is concerned.

34 Sec. 34. NEW SECTION. 402.14 **Project development agency**
35 **powers.**



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1 1. A municipality may itself exercise its project
2 development powers, as herein defined, or may, if the local
3 governing body by resolution determines such action to be in
4 the public interest, elect to have such powers exercised by the
5 project development agency, if one exists or is subsequently
6 established in the community. In the event the local governing
7 body makes such determination, the project development agency
8 shall be vested with all of the project development powers
9 in the same manner as though all such powers were conferred
10 on such agency instead of the municipality. If the local
11 governing body does not elect to make such determination,
12 the municipality in its discretion may exercise its project
13 development powers through a board or commissioner, or through
14 such officers of the municipality as the local governing body
15 may by resolution determine.

16 2. As used in this section, the term "*project development*
17 *powers*" shall include the rights, powers, functions, and duties
18 of a municipality under this chapter, except the following:

19 a. The power to determine a project development area and to
20 designate such area as appropriate for a project and to hold
21 any public hearings required with respect thereto.

22 b. The power to approve project development plans and
23 amendments thereof.

24 c. The power to establish a general plan for the locality
25 as a whole.

26 d. The power to formulate a workable program under section
27 402.3.

28 e. The power to make the determinations and findings
29 provided for in section 402.4, and section 402.5, subsection 4.

30 f. The power to issue general obligation bonds.

31 g. The power to appropriate funds, to levy taxes and
32 assessments, and to exercise other powers provided for in
33 section 402.6, subsection 8.

34 Sec. 35. NEW SECTION. **402.15 Agency created.**

35 1. There is hereby created in each municipality a public



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1 body corporate and politic to be known as the "project
2 development agency" of the municipality. Such agency shall
3 not transact any business or exercise its powers hereunder
4 until or unless the local governing body has made the finding
5 prescribed in section 402.4, and has elected to have the
6 project development powers exercised by a project development
7 agency as provided in section 402.14.

8 2. If the project development agency is authorized to
9 transact business and exercise powers pursuant to this chapter,
10 the mayor or chairperson of the board, as applicable, by and
11 with the advice and consent of the local governing body, shall
12 appoint a board of commissioners of the project development
13 agency, which board shall consist of five commissioners. In
14 cities having a population of more than one hundred thousand,
15 the city council may establish, by ordinance, the number of
16 commissioners at not less than five. The term of office of
17 each such commissioner shall be one year.

18 3. A commissioner shall receive no compensation for
19 services, but shall be entitled to the necessary expenses,
20 including traveling expenses, incurred in the discharge of
21 the commissioner's duties. Each commissioner shall hold
22 office until a successor has been appointed and has qualified.
23 A certificate of the appointment or reappointment of any
24 commissioner shall be filed with the clerk of the municipality,
25 and such certificate shall be conclusive evidence of the due
26 and proper appointment of such commissioner.

27 4. The powers of a project development agency shall be
28 exercised by the commissioners thereof. A majority of the
29 commissioners shall constitute a quorum for the purpose of
30 conducting business and exercising the powers of the agency,
31 and for all other purposes. Action may be taken by the agency
32 upon a vote of a majority of the commissioners present, unless
33 in any case the bylaws shall require a larger number. Any
34 persons may be appointed as commissioners if they reside within
35 the area of operation of the agency, which area shall be



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1 conterminous with the area of operation of the municipality,
2 and if they are otherwise eligible for such appointments under
3 this chapter.

4 5. The mayor or chairperson of the board, as applicable,
5 shall designate a chairperson and vice chairperson from among
6 the commissioners. An agency may employ an executive director,
7 technical experts, and such other agents and employees,
8 permanent and temporary, as it may require, and the agency may
9 determine their qualifications, duties, and compensation. For
10 such legal service as it may require, an agency may employ or
11 retain its own counsel and legal staff. An agency authorized
12 to transact business and exercise powers under this chapter
13 shall file, with the local governing body, on or before
14 September 30 of each year, a report of its activities for the
15 preceding fiscal year, which report shall include a complete
16 financial statement setting forth its assets, liabilities,
17 income, and operating expense as of the end of such fiscal
18 year. At the time of filing the report, the agency shall
19 publish in a newspaper of general circulation in the city or
20 county, as applicable, a notice to the effect that such report
21 has been filed with the municipality, and that the report is
22 available for inspection during business hours in the office
23 of the city clerk or county auditor, as applicable, and in the
24 office of the agency.

25 6. For inefficiency, or neglect of duty, or misconduct in
26 office, a commissioner may be removed only after a hearing,
27 and after the commissioner shall have been given a copy of the
28 charges at least ten days prior to such hearing, and after
29 the commissioner shall have had an opportunity to be heard in
30 person or by counsel.

31 7. For the period of time beginning on the effective date of
32 this Act until June 30, 2023, a municipality may designate the
33 urban renewal agency of the municipality under chapter 403 to
34 carry out the duties and exercise the authority of the project
35 development agency under this chapter.



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1 Sec. 36. NEW SECTION. **402.16 Personal interest prohibited.**

2 No public official or employee of a municipality, or board
3 or commission thereof, and no commissioner or employee of
4 a project development agency, which has been vested by a
5 municipality with project development powers under section
6 402.14, shall voluntarily acquire any personal interest,
7 as hereinafter defined, whether direct or indirect, in any
8 project, or in any property included or planned to be included
9 in any project of such municipality, or in any contract or
10 proposed contract in connection with such project. Where such
11 acquisition is not voluntary, the interest acquired shall
12 be immediately disclosed in writing to the local governing
13 body, and such disclosure shall be entered upon the minutes
14 of the governing body. If any such official, commissioner,
15 or employee presently owns or controls, or has owned or
16 controlled within the preceding two years, any interest,
17 as hereinafter defined, whether direct or indirect, in any
18 property which the official, commissioner, or employee knows
19 is included or planned to be included in a project, the
20 official, commissioner, or employee shall immediately disclose
21 this fact in writing to the local governing body, and such
22 disclosure shall be entered upon the minutes of the governing
23 body; and any such official, commissioner, or employee
24 shall not participate in any action by the municipality, or
25 board or commission thereof, or project development agency
26 affecting such property, as the terms of such proscription
27 are hereinafter defined. For the purposes of this section
28 the following definitions and standards of construction shall
29 apply:

30 1. *"Action affecting such property"* shall include only
31 that action directly and specifically affecting such property
32 as a separate property but shall not include any action, any
33 benefits of which accrue to the public generally, or which
34 affects all or a substantial portion of the properties included
35 or planned to be included in such a project.



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1 2. Employment by a public body, its agencies, or
2 institutions or by any other person having such an interest
3 shall not be deemed an interest by such employee or of any
4 ownership or control by such employee of interests of the
5 employee's employer. Such an employee may participate in a
6 project so long as any benefits of such participation accrue
7 to the public generally, such participation affects all or a
8 substantial portion of the properties included or planned to
9 be included in such a project, or such participation promotes
10 the public purposes of such project, and shall limit only that
11 participation by an employee which directly or specifically
12 affects property in which an employer of an employee has an
13 interest.

14 3. The word "*participation*" shall be deemed not to include
15 discussion or debate preliminary to a vote of a local governing
16 body or agency upon proposed ordinances or resolutions relating
17 to such a project or any abstention from such a vote.

18 4. The designation of a bank or trust company as depository,
19 paying agent, or agent for investment of funds shall not be
20 deemed a matter of interest or personal interest.

21 5. Stock ownership in a corporation having such an interest
22 shall not be deemed an indicia of an interest or of ownership
23 or control by the person owning such stocks when less than five
24 percent of the outstanding stock of the corporation is owned or
25 controlled directly or indirectly by such person.

26 6. The word "*action*" shall not be deemed to include
27 resolutions advisory to the local governing body or agency by
28 any citizens group, board, body, or commission designated to
29 serve a purely advisory approving or recommending function
30 under this chapter.

31 7. The limitations of this section shall be construed
32 to permit action by a public official, commissioner, or
33 employee where any benefits of such action accrue to the
34 public generally, such action affects all or a substantial
35 portion of the properties included or planned to be included



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1 in such a project, or such action promotes the public purposes
2 of such project, and shall be construed to limit only that
3 action by a public official, commissioner, or employee which
4 directly or specifically affects property in which such
5 official, commissioner, or employee has an interest or in
6 which an employer of such official, commissioner, or employee
7 has an interest. Any disclosure required to be made by this
8 section to the local governing body shall concurrently be
9 made to a project development agency which has been vested
10 with project development powers by the municipality pursuant
11 to the provisions of section 402.14. No commissioner or
12 other officer of any project development agency, board, or
13 commission exercising powers pursuant to this chapter shall
14 hold any other public office under the municipality, other than
15 the commissionership or office with respect to such project
16 development agency, board, or commission. Any violation of
17 the provisions of this section shall constitute misconduct in
18 office, but no ordinance or resolution of a municipality or
19 agency shall be invalid by reason of a vote or votes cast in
20 violation of the standards of this section unless such vote
21 or votes were decisive in the passage of such ordinance or
22 resolution.

23 Sec. 37. NEW SECTION. 402.17 Definitions.

24 The following terms, wherever used or referred to in this
25 chapter, shall have the following meanings, unless a different
26 meaning is clearly indicated by the context:

27 1. "*Affected taxing entity*" means a city, community college,
28 county, or school district which levied or certified for
29 levy a property tax on any portion of the taxable property
30 located within the project development area in the fiscal
31 year beginning prior to the calendar year in which a proposed
32 project development plan is submitted to the local governing
33 body for approval.

34 2. "*Agency*" or "*project development agency*" shall mean a
35 public agency created by section 402.15.



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1 3. "*Agricultural land*" means real property owned by a
2 person in tracts of ten acres or more and not laid off into
3 lots of less than ten acres or divided by streets and alleys
4 into parcels of less than ten acres, and that has been used
5 for the production of agricultural commodities during three
6 out of the past five years. Such use of property includes but
7 is not limited to the raising, harvesting, handling, drying,
8 or storage of crops used for feed, food, seed, or fiber; the
9 care or feeding of livestock; the handling or transportation
10 of crops or livestock; the storage, treatment, or disposal
11 of livestock manure; and the application of fertilizers,
12 soil conditioners, pesticides, and herbicides on crops.
13 "*Agricultural land*" includes land on which is located farm
14 residences or outbuildings used for agricultural purposes and
15 land on which is located facilities, structures, or equipment
16 for agricultural purposes. "*Agricultural land*" includes
17 land taken out of agricultural production for purposes of
18 environmental protection or preservation.

19 4. "*Area of operation*" of a city means the area within
20 the corporate limits of the city and, with the consent of the
21 county, the area within two miles of such limits, except that
22 it does not include any area which lies within the territorial
23 boundaries of another incorporated city, unless a resolution
24 has been adopted by the governing body of the city declaring
25 a need to be included in the area. The "*area of operation*"
26 of a county means an area outside the corporate limits of a
27 city. However, in that area outside a city's boundary but
28 within two miles of the city's boundary, a joint agreement
29 between the city and the county is required allowing the county
30 to proceed with the activities authorized under this chapter.
31 In addition, a county may proceed with activities authorized
32 under this chapter in an area inside the boundaries of a city,
33 provided a joint agreement is entered into with respect to
34 such activities between a city and a county and provided that
35 the city would not be prohibited from proceeding with such



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1 activities under section 402.5, subsection 1, paragraph "b", if
2 the city conducted such activities itself.

3 5. "*Blighted area*" means an area of a municipality
4 within which the local governing body of the municipality
5 determines that the presence of a substantial number of
6 slum, deteriorated, or deteriorating structures; defective or
7 inadequate street layout; faulty lot layout in relation to
8 size, adequacy, accessibility, or usefulness; insanitary or
9 unsafe conditions; deterioration of site or other improvements;
10 diversity of ownership; tax or special assessment delinquency
11 exceeding the fair value of the land; defective or unusual
12 conditions of title; or the existence of conditions which
13 endanger life or property by fire and other causes; or any
14 combination of these factors; substantially impairs or arrests
15 the sound growth of a municipality, retards the provision of
16 housing accommodations, or constitutes an economic or social
17 liability and is a menace to the public health, safety, or
18 welfare in its present condition and use. A disaster area
19 referred to in section 402.5, subsection 7, constitutes a
20 "*blighted area*". "*Blighted area*" does not include real property
21 that is agricultural land or that is assessed as agricultural
22 property for purposes of property taxation.

23 6. "*Board*" or "*commission*" shall mean a board, commission,
24 department, division, office, body, or other unit of the
25 municipality.

26 7. "*Bonds*" shall mean any bonds, including refunding bonds,
27 notes, interim certificates, certificates of indebtedness,
28 debentures, or other obligations.

29 8. "*Chairperson of the board*" means the chairperson of the
30 board of supervisors or other legislative body charged with
31 governing a county.

32 9. "*Clerk*" shall mean the clerk or other official of the
33 municipality who is the custodian of the official records of
34 such municipality.

35 10. "*Economic development area*" means an area of a



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1 municipality designated by the local governing body as
2 appropriate for commercial and industrial enterprises, public
3 improvements related to housing and residential development,
4 or construction of housing and residential development for low
5 and moderate income families, including single or multifamily
6 housing. Such designated area shall not include agricultural
7 land, including land which is part of a century farm, unless
8 the owner of the agricultural land or century farm agrees to
9 include the agricultural land or century farm in the project
10 development area. For the purposes of this subsection, "*century*
11 *farm*" means a farm in which at least forty acres of such farm
12 have been held in continuous ownership by the same family for
13 one hundred years or more.

14 11. "*Federal government*" shall include the United States or
15 any agency or instrumentality, corporate or otherwise, of the
16 United States.

17 12. "*Housing and residential development*" means single
18 or multifamily dwellings to be constructed in an area with
19 respect to which the local governing body of the municipality
20 determines that there is an inadequate supply of affordable,
21 decent, safe, and sanitary housing and that providing such
22 housing is important to meeting any or all of the following
23 objectives: retaining existing industrial or commercial
24 enterprises; attracting and encouraging the location of new
25 industrial or commercial enterprises; meeting the needs of
26 special elements of the population, such as the elderly or
27 persons with disabilities; and providing housing for various
28 income levels of the population which may not be adequately
29 served.

30 13. "*Indebtedness*" includes but is not limited to a written
31 agreement to suspend, abate, exempt, rebate, refund, or
32 reimburse property taxes, to make a direct payment of taxes, or
33 to provide a grant for property taxes paid.

34 14. "*Local governing body*" means the council, board of
35 supervisors, or other legislative body charged with governing

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1 the municipality.

2 15. "*Low or moderate income families*" means those families,
3 including single person households, earning no more than
4 eighty percent of the higher of the median family income of
5 the county or the statewide nonmetropolitan area as determined
6 by the latest United States department of housing and urban
7 development, section 8 income guidelines.

8 16. "*Mayor*" shall mean the mayor of a municipality, or other
9 officer or body having the duties customarily imposed upon the
10 executive head of a municipality.

11 17. "*Municipality*" means any city or county in the state.

12 18. "*Obligee*" shall include any bondholder, agents, or
13 trustees for any bondholders, or any lessor demising to the
14 municipality property used in connection with a project under
15 this chapter, or any assignee or assignees of such lessor's
16 interest or any part thereof, and the federal government, when
17 it is a party to any contract with the municipality.

18 19. "*Person*" shall mean any individual, firm, partnership,
19 corporation, company, association, joint stock association; and
20 shall include any trustee, receiver, assignee, or other person
21 acting in a similar representative capacity for an individual
22 or such entities.

23 20. *a.* "*Project*" may include undertakings and activities
24 of a municipality in a project development area for the
25 elimination and for the prevention of the development or
26 spread of slums and blight, may include the designation and
27 development of an economic development area in a project
28 development area, and may involve slum clearance and
29 redevelopment in a project development area, or rehabilitation
30 or conservation in a project development area, or any
31 combination or part thereof in accordance with a project
32 development program.

33 *b.* The undertakings and activities may include:

34 (1) Acquisition of a slum area, blighted area, economic
35 development area, or portion of the areas.

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1 (2) Demolition and removal of buildings and improvements.

2 (3) Installation, construction, or reconstruction of
3 streets, utilities, and other improvements necessary for
4 carrying out in the project development area the objectives of
5 this chapter in accordance with the project development plan.

6 (4) Disposition of any property acquired in the project
7 development area, including sale, initial leasing, or retention
8 by the municipality itself, at its fair value for uses in
9 accordance with the project development plan.

10 (5) Carrying out plans for a program of voluntary or
11 compulsory repair and rehabilitation of buildings or other
12 improvements in accordance with the project development plan.

13 (6) Acquisition of any other real property in the project
14 development area, where necessary to eliminate unhealthful,
15 insanitary, or unsafe conditions, or to lessen density,
16 eliminate obsolete or other uses detrimental to the public
17 welfare, or otherwise to remove or prevent the spread of
18 blight or deterioration, or to provide land for needed public
19 facilities subject to the limitation in section 403.19,
20 subsection 5, paragraph "b".

21 (7) Sale and conveyance of real property in furtherance of
22 a project.

23 21. "*Project development area*" means a slum area, blighted
24 area, economic development area, or combination of the areas,
25 which the local governing body designates as appropriate for
26 a project. A project development area shall not include
27 territory located within an urban renewal area under chapter
28 403.

29 22. "*Project development plan*" means a plan for the
30 development, redevelopment, improvement, or rehabilitation of a
31 designated project development area. The plan shall meet the
32 following requirements:

33 a. Conform to the general plan for the municipality as a
34 whole except as provided in section 402.5, subsection 7.

35 b. Be sufficiently complete to indicate the real property

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1 located in the project development area to be acquired for
2 the proposed development, redevelopment, improvement, or
3 rehabilitation, and to indicate any zoning district changes,
4 existing and future land uses, and the local objectives
5 respecting development, redevelopment, improvement, or
6 rehabilitation related to the future land uses plan, and need
7 for improved traffic, public transportation, public utilities,
8 recreational and community facilities, and other public
9 improvements within the project development area.

10 c. If the plan includes a provision for the division
11 of taxes as provided in section 402.19, the plan shall
12 also include a list of the current general obligation debt
13 of the municipality, the current urban renewal debt of
14 the municipality under chapter 403, if any, the current
15 constitutional debt limit of the municipality, and the proposed
16 amount of indebtedness to be incurred, including loans,
17 advances, indebtedness, or bonds which qualify for payment from
18 the project development fund referred to in section 402.19,
19 subsection 2.

20 23. "*Public body*" shall mean the state or any political
21 subdivision thereof.

22 24. "*Public officer*" shall mean any officer who is in
23 charge of any department or branch of the government of the
24 municipality relating to health, fire, building regulations, or
25 to other activities concerning dwellings in the municipality.

26 25. "*Real property*" shall include all lands, including
27 improvements and fixtures thereon, and property of any nature
28 appurtenant thereto, or used in connection therewith, and every
29 estate, interest, right and use, legal or equitable, therein,
30 including terms for years and liens by way of judgment,
31 mortgage, or otherwise.

32 26. "*Slum area*" shall mean an area in which there is a
33 predominance of buildings or improvements, whether residential
34 or nonresidential, which: by reason of dilapidation,
35 deterioration, age, or obsolescence; by reason of inadequate

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1 provision for ventilation, light, air, sanitation, or
2 open spaces; by reason of high density of population and
3 overcrowding; by reason of the existence of conditions which
4 endanger life or property by fire and other causes; or which
5 by any combination of such factors, is conducive to ill
6 health, transmission of disease, infant mortality, juvenile
7 delinquency, or crime, and which is detrimental to the public
8 health, safety, morals, or welfare. "Slum area" does not
9 include real property that is agricultural land or that is
10 assessed as agricultural property for purposes of property
11 taxation.

12 Sec. 38. NEW SECTION. 402.18 Rule of construction.

13 Insofar as the provisions of this chapter may be
14 inconsistent with the provisions of any other law, the
15 provisions of this chapter shall be controlling. The powers
16 conferred by this chapter shall be in addition and supplemental
17 to the powers conferred by any other law.

18 Sec. 39. NEW SECTION. 402.19 Division of revenue from
19 taxation — tax increment financing.

20 A municipality may, following consultation, notification,
21 and approval of all affected taxing entities in the manner
22 specified in section 402.5, subsection 2, paragraph "b",
23 provide by ordinance that taxes levied on taxable property in a
24 project development area each year by or for the benefit of the
25 state, city, county, school district, or other taxing district,
26 shall be divided as follows:

27 1. a. That portion of the taxes which would be produced by
28 the rate at which the tax is levied each year by or for each of
29 the taxing districts upon the total sum of the taxable value
30 of the taxable property in the project development area, as
31 shown on the assessment roll last equalized prior to the date
32 of initial adoption of the project development plan, shall
33 be allocated to and when collected be paid into the fund for
34 the respective taxing district as taxes by or for the taxing
35 district into which all other property taxes are paid.

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1 *b.* For the purpose of allocating taxes levied by or for
2 any taxing district which did not include the territory in
3 a project development area on the effective date of initial
4 adoption of the plan, but to which the territory has been
5 annexed or otherwise included after the effective date, the
6 assessment roll applicable to property in the annexed territory
7 as of January 1 of the calendar year preceding the effective
8 date of the amendment to the plan to include the annexed area
9 shall be used in determining the taxable valuation of the
10 property in the annexed area.

11 *c.* For the purposes of dividing taxes under section 260E.4,
12 the applicable assessment roll for purposes of paragraph "a"
13 shall be the assessment roll as of January 1 of the calendar
14 year preceding the first written agreement providing that all
15 or a portion of program costs are to be paid for by incremental
16 property taxes. The community college shall file a copy of
17 the agreement with the appropriate assessor. The assessor
18 may, within fourteen days of such filing, physically inspect
19 the applicable taxable business property. If upon such
20 inspection the assessor determines that there has been a change
21 in the value of the property from the value as shown on the
22 assessment roll as of January 1 of the calendar year preceding
23 the filing of the agreement and such change in value is due
24 to new construction, additions or improvements to existing
25 structures, or remodeling of existing structures for which
26 a building permit was required, the assessor shall promptly
27 determine the value of the property as of the inspection in the
28 manner provided in chapter 441 and that value shall be included
29 for purposes of the jobs training project in the value of the
30 employer's taxable business property as shown on the assessment
31 roll as of January 1 of the calendar year preceding the filing
32 of the agreement. The assessor, within thirty days of such
33 filing, shall notify the community college and the employer
34 or business of that valuation which shall be included in the
35 taxable valuation for purposes of this subsection and section

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1 260E.4. The value determined by the assessor shall reflect the
2 change in value due solely to new construction, additions, or
3 improvements to existing structures, or remodeling of existing
4 structures for which a building permit was required.
5 2. That portion of the taxes each year in excess of such
6 amount shall be allocated to and when collected be paid into
7 a project development fund of the municipality to pay the
8 principal of and interest on loans, moneys advanced to, or
9 indebtedness, whether funded, refunded, assumed, or otherwise,
10 including bonds issued under the authority of section 402.9,
11 subsection 1, incurred by the municipality to finance or
12 refinance, in whole or in part, a project within the area
13 and to provide assistance for low and moderate income family
14 housing as provided in section 402.22. However, taxes for the
15 regular and voter-approved physical plant and equipment levy
16 of a school district imposed pursuant to section 298.2, taxes
17 for the payment of bonds and interest of each taxing district,
18 and the foundation property tax imposed pursuant to section
19 257.3, shall be collected against all taxable property within
20 the taxing district without limitation by the provisions of
21 this subsection. Unless and until the total taxable valuation
22 of the taxable property in a project development area exceeds
23 the total taxable value of the taxable property in such area
24 as shown by the last equalized assessment roll referred to in
25 subsection 1, all of the taxes levied and collected upon the
26 taxable property in the project development area shall be paid
27 into the funds for the respective taxing districts as taxes by
28 or for the taxing districts in the same manner as all other
29 property taxes. When such loans, advances, indebtedness, and
30 bonds, if any, and interest thereon, have been paid, all moneys
31 thereafter received from taxes upon the taxable property in
32 such project development area shall be paid into the funds for
33 the respective taxing districts in the same manner as taxes on
34 all other property. In those instances where a school district
35 has entered into an agreement pursuant to section 279.64 for



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1 sharing of school district taxes levied and collected from
2 valuation described in this subsection and released to the
3 school district, the school district shall transfer the taxes
4 as provided in the agreement.

5 3. The division of revenue provided for in this section
6 shall be limited to ten years from the calendar year following
7 the calendar year in which the municipality first certifies
8 to the county auditor the amount of any loans, advances,
9 indebtedness, or bonds which qualify for payment from the
10 division of revenue. The project development area, including
11 all applicable project development plans, projects, and
12 ordinances shall terminate and be of no further force and
13 effect following the ten-year limitation provided in this
14 subsection.

15 4. a. The portion of taxes mentioned in subsection 2, and
16 the project development fund into which they shall be paid, may
17 be irrevocably pledged by a municipality for the payment of the
18 principal and interest on loans, advances, bonds issued under
19 the authority of section 402.9, subsection 1, or indebtedness
20 incurred by a municipality to finance or refinance, in whole or
21 in part, the project within the area.

22 b. Except as authorized in section 402.22, subsection 4,
23 deposits into the project development fund that are taxes
24 resulting from a division of revenue under this section shall
25 only be expended from the fund for expenses related to the
26 project development area from which the deposits were collected
27 and shall not be used for any of the following:

28 (1) Public buildings, including the site or grounds of, and
29 the erection, equipment, remodeling, or reconstruction of, and
30 additions or extensions to, the buildings or facilities.

31 (2) Salaries, benefits, per diems, or expenses of any
32 employee of the municipality.

33 (3) Movable property.

34 5. As used in this section the word "taxes" includes but is
35 not limited to all levies on an ad valorem basis upon land or

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1 real property.

2 6. An ordinance adopted under this section providing for a
3 division of revenue shall be filed in the office of the county
4 auditor of each county where the property that is subject to
5 the ordinance is located.

6 7. a. (1) A municipality shall certify to the county
7 auditor on or before December 1 the amount of loans, advances,
8 indebtedness, or bonds which qualify for payment from the
9 project development fund referred to in subsection 2, for each
10 project development area in the municipality, and the filing of
11 the certificate shall make it a duty of the auditor to provide
12 for the division of taxes in each subsequent year without
13 further certification, except as provided in paragraphs "b"
14 and "c", and subject to the limitation in subsection 3, until
15 the amount of the loans, advances, indebtedness, or bonds is
16 paid to the project development fund. If any loans, advances,
17 indebtedness, or bonds are issued which qualify for payment
18 from the project development fund and which are in addition to
19 amounts already certified, the municipality shall certify the
20 amount of the additional obligations on or before December 1 of
21 the year such obligations were issued, and the filing of the
22 certificate shall make it a duty of the auditor to provide for
23 the division of taxes in each subsequent year without further
24 certification, except as provided in paragraphs "b" and "c",
25 and subject to the limitation in subsection 3, until the amount
26 of the loans, advances, indebtedness, or bonds is paid to the
27 project development fund. Any subsequent certifications under
28 this subsection shall not include amounts previously certified.

29 (2) A certification made under this paragraph "a" shall
30 include the date that the individual loans, advances,
31 indebtedness, or bonds were initially approved by the governing
32 body of the municipality and a schedule of payments of such
33 amounts.

34 b. If the amount certified in paragraph "a" is reduced by
35 payment from sources other than the division of taxes, by a

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1 refunding or refinancing of the obligation which results in
2 lowered principal and interest on the amount of the obligation,
3 or for any other reason, the municipality on or before December
4 1 of the year the action was taken which resulted in the
5 reduction shall certify the amount of the reduction to the
6 county auditor.

7 c. In any year, the county auditor shall, upon receipt of a
8 certification from a municipality filed on or before December
9 1, increase the amount to be allocated under subsection 1 in
10 order to reduce the amount to be allocated in the following
11 fiscal year to the project development fund, to the extent that
12 the municipality does not request allocation to the project
13 development fund of the full portion of taxes which could be
14 collected. Upon receipt of a certificate from a municipality,
15 the auditor shall mail a copy of the certificate to each
16 affected taxing district.

17 8. Tax collections within each taxing district may be
18 allocated to the entire taxing district including the taxes on
19 the valuations determined under subsection 1 and to the project
20 development fund created under subsection 2 in the proportion
21 of their taxable valuations determined as provided in this
22 section.

23 Sec. 40. NEW SECTION. **402.21 Communication and cooperation**
24 **regarding new jobs training projects.**

25 1. In order to promote communication and cooperation among
26 cities, counties, and community colleges with respect to the
27 allocation and division of taxes, no jobs training projects
28 as defined in chapter 260E or 260F shall be undertaken within
29 the area of operation of a municipality after July 1, 1995,
30 unless the municipality and the community college have entered
31 into an agreement or have jointly adopted a plan relating
32 to a community college's new jobs training program which
33 shall provide for a procedure for advance notification to
34 each affected municipality, for exchange of information, for
35 mutual consultation, and for procedural guidelines for all



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1 such new jobs training projects, including related project
2 financing to be undertaken within the area of operation of the
3 municipality. The joint agreement or the plan shall state its
4 precise duration and shall be binding on the community college
5 and the municipality with respect to all new jobs training
6 projects, including related project financing undertaken during
7 its existence. The joint agreement or plan shall be effective
8 upon adoption and shall be placed on file in the office of the
9 secretary of the board of directors of the community college
10 and such other location as may be stated in the joint agreement
11 or plan. The joint agreement or plan shall also be sent to each
12 school district which levied or certified for levy a property
13 tax on any portion of the taxable property located in the area
14 of operation of the municipality in the fiscal year beginning
15 prior to the calendar year in which the plan is adopted or
16 the agreement is reached. If no such agreement is reached or
17 plan adopted, the community college shall not use incremental
18 property tax revenues to fund jobs training projects within the
19 area of operation of the municipality. Agreements entered into
20 between a community college and a city or county pursuant to
21 chapter 28E shall not apply.

22 2. The community college shall send a copy of the final
23 agreement prepared pursuant to section 260E.3 to the economic
24 development authority. For each year in which incremental
25 property taxes are used to pay job training certificates
26 issued for a project creating new jobs, the community
27 college shall provide to the economic development authority
28 a report of the incremental property taxes and new jobs
29 credits from withholding generated for that year, a specific
30 description of the training conducted, the number of employees
31 provided program services under the project, the median
32 wage of employees in the new jobs in the project, and the
33 administrative costs directly attributable to the project.

34 3. The community college shall send a copy of the final
35 agreement prepared pursuant to section 260F.3 to the economic



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1 development authority. For each year in which incremental
2 property taxes are used to retire debt service on a jobs
3 training advance issued for a project creating new jobs, the
4 community college shall provide to the economic development
5 authority a report of the incremental property taxes and new
6 jobs credits from withholding generated for that year, a
7 specific description of the training conducted, the number of
8 employees provided program services under the project, and the
9 median wage of employees in the new jobs in the project, and
10 the administrative costs directly attributable to the project.

11 4. This section shall apply to joint agreements entered into
12 or joint plans adopted on or after the effective date of this
13 Act.

14 Sec. 41. NEW SECTION. 402.22 Public improvements related
15 to housing and residential development — low income assistance
16 requirements.

17 1. With respect to any project development area established
18 upon the determination that the area is an economic development
19 area, a division of revenue as provided in section 402.19
20 shall not be allowed for the purpose of providing or aiding in
21 the provision of public improvements related to housing and
22 residential development, unless the municipality assures that
23 the project will include assistance for low and moderate income
24 family housing.

25 a. For a municipality with a population over fifteen
26 thousand, the amount to be provided for low and moderate income
27 family housing for such projects shall be either equal to
28 or greater than the percentage of the original project cost
29 that is equal to the percentage of low and moderate income
30 residents for the county in which the project development area
31 is located as determined by the United States department of
32 housing and urban development using section 8 guidelines or
33 by providing such other amount as set out in a plan adopted
34 by the municipality and approved by the economic development
35 authority if the municipality can show that it cannot undertake



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1 the project if it has to meet the low and moderate income
2 assistance requirements. However, the amount provided for low
3 and moderate income family housing for such projects shall not
4 be less than an amount equal to ten percent of the original
5 project cost.

6 *b.* For a municipality with a population of fifteen thousand
7 or less, the amount to be provided for low and moderate income
8 family housing shall be the same as for a municipality of over
9 fifteen thousand in population, except that a municipality
10 of fifteen thousand or less in population is not subject to
11 the requirement to provide not less than an amount equal to
12 ten percent of the original project cost for low and moderate
13 income family housing.

14 *c.* For a municipality with a population of five thousand or
15 less, the municipality need not provide any low and moderate
16 income family housing assistance if the municipality has
17 completed a housing needs assessment meeting the standards set
18 out by the economic development authority, which shows no low
19 and moderate income housing need, and the economic development
20 authority agrees that no low and moderate income family housing
21 assistance is needed.

22 2. The assistance to low and moderate income housing may be
23 in but is not limited to any of the following forms:

24 *a.* Lots for low and moderate income housing within or
25 outside the project development area.

26 *b.* Construction of low and moderate income housing within or
27 outside the project development area.

28 *c.* Grants, credits, or other direct assistance to low and
29 moderate income families living within or outside the project
30 development area, but within the area of operation of the
31 municipality.

32 *d.* Payments to a low and moderate income housing fund
33 established by the municipality to be expended for one or more
34 of the above purposes, including matching funds for any state
35 or federal moneys used for such purposes.



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1 3. Sources for low and moderate income family housing
2 assistance may include the following:
3 a. Proceeds from loans, advances, bonds, or indebtedness
4 incurred.
5 b. Annual distributions from the division of revenues
6 pursuant to section 402.19 related to the project development
7 area.
8 c. Lump sum or periodic direct payments from developers or
9 other private parties under an agreement for development or
10 redevelopment between the municipality and a developer.
11 d. Any other sources which are legally available for this
12 purpose.
13 4. Notwithstanding any provisions of this chapter to the
14 contrary, the assistance to low and moderate income family
15 housing may be expended outside the boundaries of the project
16 development area.
17 5. A municipality shall not prohibit or restrict the
18 construction of manufactured homes in any project for which
19 public improvements were finalized under this section. As used
20 in this subsection, "manufactured home" means the same as under
21 section 435.1, subsection 3.
22 Sec. 42. NEW SECTION. **402.23 Reporting — audit.**
23 1. On or before December 1 of each year, each municipality
24 that has established a project development area shall report
25 to the department of management and to the appropriate county
26 auditor the total amount of loans, advances, indebtedness,
27 or bonds outstanding at the close of the most recently ended
28 fiscal year, which qualify for payment from the project
29 development fund created in section 402.19, including interest
30 negotiated on such loans, advances, indebtedness, or bonds.
31 The amount of each loan, advance, indebtedness, or issuance of
32 bonds shall also be identified by the project development area
33 and by the specific project for which such amount was incurred.
34 2. At the request of the legislative services agency,
35 the department of management shall provide the reports and



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1 additional information to the legislative services agency. The
2 department of management, in consultation with the legislative
3 services agency, shall determine reporting criteria and shall
4 prepare a form for reports filed with the department pursuant
5 to this section. The department shall make the form available
6 by electronic means.

7 3. If a municipality does not file the report with the
8 department of management and the county auditor by December 1
9 of each year, the county treasurer shall withhold disbursement
10 of incremental taxes to the municipality until the report
11 is filed beginning immediately with the next following
12 disbursement of taxes. The county auditor shall notify the
13 county treasurer if taxes are to be withheld. The county
14 auditor and county treasurer shall not be liable for damages
15 to the municipality or to any third party resulting from the
16 withholding of taxes under this subsection.

17 4. a. Each municipality that has established a project
18 development area which utilizes, or which plans to utilize,
19 revenues from the project development fund created in
20 section 402.19, shall in each odd-numbered year contract
21 with or employ the auditor of state or certified public
22 accountants for an audit or examination of the condition of
23 its project development fund and all financial transactions
24 related thereto. The audit or examination shall include a
25 determination of whether the municipality is in compliance
26 with the laws, rules, regulations, and contractual agreements
27 applicable to the project development fund. Such an audit is
28 also mandatory on application by one hundred or more taxpayers,
29 or if there are fewer than six hundred sixty-seven taxpayers
30 in the municipality, then by fifteen percent of the taxpayers.
31 Payment for the audit or examination shall be made from the
32 proper public funds of the municipality.

33 b. The audit or examination required under paragraph "a"
34 may be included as a part of another audit of the municipality
35 conducted under another provision of law.



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1 Sec. 43. EFFECTIVE UPON ENACTMENT. This division of this
2 Act, being deemed of immediate importance, takes effect upon
3 enactment.

4 DIVISION III

5 RELATED AMENDMENTS

6 Sec. 44. Section 2.48, subsection 3, paragraph b,
7 subparagraph (4), Code 2011, is amended by striking the
8 subparagraph.

9 Sec. 45. Section 2.48, subsection 3, paragraph e, Code 2011,
10 is amended by adding the following new subparagraph:

11 NEW SUBPARAGRAPH. (10) Property tax revenue divisions for
12 project development areas under section 402.19.

13 Sec. 46. Section 6A.22, subsection 2, paragraph a,
14 subparagraph (5), subparagraph division (a), unnumbered
15 paragraph 1, Code 2011, is amended to read as follows:

16 The acquisition of property for redevelopment purposes and
17 to eliminate slum or blighted conditions in that portion of a
18 project development area or an urban renewal area designated
19 as a slum or blighted area if each parcel, or any improvements
20 thereon, for which condemnation is sought is determined by
21 the governing body of the municipality to be in a slum or
22 blighted condition. However, for a project or acquisition
23 plan adopted by the governing body of a municipality after due
24 deliberation and public input, if seventy-five percent or more
25 of the area included in the plan consists of property in a slum
26 or blighted condition at the time the plan was established,
27 the entire project or acquisition plan area is subject to
28 condemnation by the municipality. The project or acquisition
29 plan area shall only include the adjacent and contiguous
30 parcels necessary for the completion of planned activities for
31 a specific business or housing project. Before a municipality
32 exercises its eminent domain authority to acquire properties
33 in a project or acquisition plan area that are not in a slum
34 or blighted condition, the municipality shall be required to
35 adopt a resolution by a two-thirds majority to authorize the

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1 acquisition of such property by eminent domain. The resolution
2 shall make a finding that includes at a minimum all of the
3 following:

4 Sec. 47. Section 6A.22, subsection 2, paragraph a,
5 subparagraph (5), subparagraph division (b), subparagraph
6 subdivision (iv), Code 2011, is amended to read as follows:

7 (iv) "*Project or acquisition plan*" means the planned
8 activities of a municipality to rehabilitate or redevelop
9 specific property in that portion of a project development
10 area designated as a slum or blighted area pursuant to chapter
11 402 or in that portion of an urban renewal area designated
12 as a slum or blighted area pursuant to chapter 403. The
13 planned activities may include the sale and acquisition of
14 property; demolition and removal of buildings and improvements;
15 construction, repair, and rehabilitation of buildings or other
16 improvements; and installation, construction, or reconstruction
17 of streets and utilities.

18 Sec. 48. Section 11.6, Code Supplement 2011, is amended by
19 adding the following new subsection:

20 NEW SUBSECTION. 3A. A county or city for which audits are
21 required under section 402.23, subsection 4, or section 403.23,
22 subsection 4, may contract with or employ the auditor of state
23 or certified public accountants for an audit or examination of
24 the condition of its project development fund or special fund,
25 as applicable, and all financial transactions related thereto,
26 unless the required audit or examination is included as part
27 of another audit or examination as provided in section 402.23,
28 subsection 4, paragraph "b", or section 403.23, subsection
29 4, paragraph "b". The audit or examination shall include a
30 determination of whether the county or city is in compliance
31 with the laws, rules, regulations, and contractual agreements
32 applicable to such fund. Payment for the audit or examination
33 shall be made from the proper public funds of the county or
34 city.

35 Sec. 49. Section 15A.1, subsection 5, paragraph b, Code



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1 2011, is amended to read as follows:

2 **b.** The area is a blighted area as defined in section 402.17
3 or section 403.17.

4 Sec. 50. Section 15E.193B, subsection 8, unnumbered
5 paragraph 1, Code Supplement 2011, is amended to read as
6 follows:

7 The amount of the tax credits determined pursuant to
8 subsection 6, paragraph "a", for each project shall be approved
9 by the economic development authority. The authority shall
10 utilize the financial information required to be provided under
11 subsection 5, paragraph "e", to determine the tax credits
12 allowed for each project. In determining the amount of tax
13 credits to be allowed for a project, the authority shall not
14 include the portion of the project cost financed through
15 federal, state, and local government tax credits, grants,
16 and forgivable loans. Upon approving the amount of the tax
17 credit, the economic development authority shall issue a tax
18 credit certificate to the eligible housing business except
19 when low-income housing tax credits authorized under section
20 42 of the Internal Revenue Code are used to assist in the
21 financing of the housing development in which case the tax
22 credit certificate may be issued to a partner if the business
23 is a partnership, a shareholder if the business is an S
24 corporation, or a member if the business is a limited liability
25 company in the amounts designated by the eligible partnership,
26 S corporation, or limited liability company. An eligible
27 housing business or the designated partner if the business
28 is a partnership, designated shareholder if the business is
29 an S corporation, or designated member if the business is
30 a limited liability company, or transferee shall not claim
31 the tax credit unless a tax credit certificate is attached
32 to the taxpayer's return for the tax year for which the tax
33 credit is claimed. The tax credit certificate shall contain
34 the taxpayer's name, address, tax identification number, the
35 amount of the tax credit, and other information required by



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1 the department of revenue. The tax credit certificate shall
2 be transferable if the housing development is located in a
3 brownfield site as defined in section 15.291, if the housing
4 development is located in a blighted area as defined in section
5 402.17 or section 403.17, or if low-income housing tax credits
6 authorized under section 42 of the Internal Revenue Code are
7 used to assist in the financing of the housing development.
8 Not more than three million dollars worth of tax credits for
9 housing developments that are located in a brownfield site as
10 defined in section 15.291 or housing developments located in a
11 blighted area as defined in section 402.17 or section 403.17
12 shall be transferred in one calendar year. The three million
13 dollar annual limit does not apply to tax credits awarded to
14 an eligible housing business having low-income housing tax
15 credits authorized under section 42 of the Internal Revenue
16 Code to assist in the financing of the housing development.
17 The authority may approve an application for tax credit
18 certificates for transfer from an eligible housing business
19 located in a brownfield site as defined in section 15.291 or in
20 a blighted area as defined in section 402.17 or section 403.17
21 that would result in the issuance of more than three million
22 dollars of tax credit certificates for transfer, provided the
23 authority, through negotiation with the eligible business,
24 allocates those tax credit certificates for transfer over more
25 than one calendar year. The authority shall not approve more
26 than one million five hundred thousand dollars in tax credit
27 certificates for transfer to any one eligible housing business
28 located in a brownfield site as defined in section 15.291 or
29 in a blighted area as defined in section 402.17 or section
30 403.17 in a calendar year. If three million dollars in tax
31 credit certificates for transfer have not been issued at the
32 end of a calendar year, the remaining tax credit certificates
33 for transfer may be issued in advance to an eligible housing
34 business scheduled to receive a tax credit certificate for
35 transfer in a later calendar year. Any time the authority



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1 approves a tax credit certificate for transfer which has not
2 been allocated at the end of a calendar year, the authority may
3 prorate the remaining certificates to more than one eligible
4 applicant. If the entire three million dollars of tax credit
5 certificates for transfer is not issued in a given calendar
6 year, the remaining amount may be carried over to a succeeding
7 calendar year. Tax credit certificates issued under this
8 chapter may be transferred to any person or entity. The
9 economic development authority shall notify the department
10 of revenue of the tax credit certificates which have been
11 approved for transfer. Within ninety days of transfer, the
12 transferee must submit the transferred tax credit certificate
13 to the department of revenue along with a statement containing
14 the transferee's name, tax identification number, and
15 address, and the denomination that each replacement tax credit
16 certificate is to carry and any other information required by
17 the department of revenue. Within thirty days of receiving
18 the transferred tax credit certificate and the transferee's
19 statement, the department of revenue shall issue one or more
20 replacement tax credit certificates to the transferee. Each
21 replacement certificate must contain the information required
22 to receive the original certificate and must have the same
23 expiration date that appeared in the transferred tax credit
24 certificate. Tax credit certificate amounts of less than the
25 minimum amount established by rule of the economic development
26 authority shall not be transferable. A tax credit shall not be
27 claimed by a transferee under subsection 6, paragraph "a", until
28 a replacement tax credit certificate identifying the transferee
29 as the proper holder has been issued.

30 Sec. 51. Section 15E.194, subsection 2, paragraph e, Code
31 Supplement 2011, is amended to read as follows:

32 e. The area is a blighted area, as defined in section 402.17
33 or section 403.17.

34 Sec. 52. Section 15E.194, subsection 3, paragraph a,
35 unnumbered paragraph 1, Code Supplement 2011, is amended to



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1 read as follows:

2 A city may designate an area of up to four square miles to be
3 an enterprise zone if the area is a blighted area as defined in
4 section 402.17 or section 403.17 and the area includes or is
5 located within four miles of at least three of the following:

6 Sec. 53. Section 26.2, subsection 3, Code 2011, is amended
7 to read as follows:

8 3. "*Public improvement*" means a building or construction
9 work which is constructed under the control of a governmental
10 entity and is paid for in whole or in part with funds of the
11 governmental entity, including a building or improvement
12 constructed or operated jointly with any other public or
13 private agency, but excluding project development demolition
14 under chapter 402, urban renewal demolition under chapter
15 403, and low-rent housing projects, industrial aid projects
16 authorized under chapter 419, emergency work or repair or
17 maintenance work performed by employees of a governmental
18 entity, and excluding a highway, bridge, or culvert project,
19 and excluding construction or repair or maintenance work
20 performed for a city utility under chapter 388 by its employees
21 or performed for a rural water district under chapter 357A by
22 its employees.

23 Sec. 54. Section 28I.4, subsection 1, Code 2011, is amended
24 to read as follows:

25 1. The commission shall have the power and duty to make
26 comprehensive studies and plans for the development of the
27 area it serves which will guide the unified development of
28 the area and which will eliminate planning duplication and
29 promote economy and efficiency in the coordinated development
30 of the area and the general welfare, convenience, safety, and
31 prosperity of its people. The plan or plans collectively
32 shall be known as the regional or metropolitan development
33 plan. The plans for the development of the area may include
34 but shall not be limited to recommendations with respect to
35 existing and proposed highways, bridges, airports, streets,

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1 parks and recreational areas, schools and public institutions
2 and public utilities, public open spaces, and sites for public
3 buildings and structures; districts for residence, business,
4 industry, recreation, agriculture, and forestry; water supply,
5 sanitation, drainage, protection against floods and other
6 disasters; areas for housing developments, slum clearance,
7 project development under chapter 402, and urban renewal and
8 redevelopment; location of private and public utilities,
9 including but not limited to sewerage and water supply
10 systems; and such other recommendations concerning current
11 and impending problems as may affect the area served by the
12 commission. Time and priority schedules and cost estimates for
13 the accomplishment of the recommendations may also be included
14 in the plans. The plans shall be made with consideration of
15 the smart planning principles under section 18B.1. The plans
16 shall be based upon and include appropriate studies of the
17 location and extent of present and anticipated populations;
18 social, physical, and economic resources, problems and trends;
19 and governmental conditions and trends. The commission is
20 also authorized to make surveys, land-use studies, and urban
21 renewal plans, project development plans under chapter 402,
22 provide technical services and other planning work for the
23 area it serves and for cities, counties, and other political
24 subdivisions in the area. A plan or plans of the commission
25 may be adopted, added to, and changed from time to time by a
26 majority vote of the planning commission. The plan or plans
27 may in whole or in part be adopted by the governing bodies
28 of the cooperating cities and counties as the general plans
29 of such cities and counties. The commission may also assist
30 the governing bodies and other public authorities or agencies
31 within the area it serves in carrying out any regional plan
32 or plans, and assist any planning commission, board or agency
33 of the cities and counties and political subdivisions in
34 the preparation or effectuation of local plans and planning
35 consistent with the program of the commission. The commission



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1 may cooperate and confer, as far as possible, with planning
2 agencies of other states or of regional groups of states
3 adjoining its area.

4 Sec. 55. Section 260E.2, subsection 8, Code 2011, is amended
5 to read as follows:

6 8. *“Incremental property taxes”* means the taxes as provided
7 in sections 402.19, 403.19, and 260E.4.

8 Sec. 56. Section 260E.4, Code 2011, is amended to read as
9 follows:

10 **260E.4 Incremental property taxes.**

11 1. If an agreement entered into prior to the effective date
12 of this Act provides that all or part of program costs are to be
13 paid for by incremental property taxes, the board of directors
14 shall provide by resolution that taxes levied on the employer’s
15 taxable business property, where new jobs are created as a
16 result of a project, each year by or for the benefit of the
17 state, city, county, school district, or other taxing district
18 after the effective date of the resolution shall be divided as
19 provided in section 403.19, subsections 1 and 2, in the same
20 manner as if the employer’s business property, where new jobs
21 are created as a result of a project, was taxable property in
22 an urban renewal project and the resolution was an ordinance
23 within the meaning of those subsections.

24 2. If an agreement entered into on or after the effective
25 date of this Act provides that all or part of program costs
26 are to be paid for by incremental property taxes, the board
27 of directors shall provide by resolution that taxes levied
28 on the employer’s taxable business property, where new jobs
29 are created as a result of a project, each year by or for the
30 benefit of the state, city, county, school district, or other
31 taxing district after the effective date of the resolution
32 shall be divided as provided in section 402.19, subsections
33 1 and 2, in the same manner as if the employer’s business
34 property, where new jobs are created as a result of a project,
35 was taxable property in a project development area and the



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1 resolution was an ordinance within the meaning of those
2 subsections.

3 3. The taxes received by the board of directors shall be
4 allocated to and when collected be paid into a special fund
5 of the community college and may be irrevocably pledged by
6 the community college to pay the principal of and interest on
7 the certificates issued by the community college to finance
8 or refinance, in whole or in part, the project. However,
9 with respect to any project as to which an ordinance is in
10 effect under chapter 402 or an urban renewal project as to
11 which an ordinance is in effect under section 402.19 or section
12 403.19, as applicable, the collection of incremental property
13 taxes authorized by this chapter are suspended in favor of
14 collection of incremental taxes under section 402.19 or section
15 403.19. As used in this section, "*taxes*" includes, but is not
16 limited to, all levies on an ad valorem basis upon land or real
17 property of the employer's business, where new jobs are created
18 as a result of a project.

19 Sec. 57. Section 279.64, Code 2011, is amended to read as
20 follows:

21 **279.64 Tax-sharing agreements.**

22 A school district may enter into an agreement under chapter
23 28E with a contiguous school district for the purpose of
24 sharing all or a percentage of school district taxes collected
25 from that portion of valuation described in section 402.19,
26 subsection 2, or in section 403.19, subsection 2, that is
27 released by the municipality to the school district.

28 Sec. 58. Section 331.434, subsection 1, Code 2011, is
29 amended to read as follows:

30 1. The budget shall show the amount required for each
31 class of proposed expenditures, a comparison of the amounts
32 proposed to be expended with the amounts expended for like
33 purposes for the two preceding years, the revenues from sources
34 other than property taxation, and the amount to be raised by
35 property taxation, in the detail and form prescribed by the

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1 director of the department of management. For each county
2 that has established a project development area or an urban
3 renewal area, the budget shall include estimated and actual
4 tax increment financing revenues and all estimated and actual
5 expenditures of the revenues, proceeds from debt and all
6 estimated and actual expenditures of the debt proceeds, and
7 identification of any entity receiving a direct payment of
8 taxes funded by tax increment financing revenues and shall
9 include the total amount of loans, advances, indebtedness,
10 or bonds outstanding at the close of the most recently ended
11 fiscal year, which qualify for payment from the project
12 development fund created in section 402.19 or the special fund
13 created in section 403.19, including interest negotiated on
14 such loans, advances, indebtedness, or bonds. For purposes of
15 this subsection, "*indebtedness*" includes written agreements
16 whereby the county agrees to suspend, abate, exempt, rebate,
17 refund, or reimburse property taxes, provide a grant for
18 property taxes paid, or make a direct payment of taxes, with
19 moneys in the project development fund created in section
20 402.19 or the special fund created in section 403.19. The
21 amount of loans, advances, indebtedness, or bonds shall be
22 listed in the aggregate for each county reporting. The county
23 finance committee, in consultation with the department of
24 management and the legislative services agency, shall determine
25 reporting criteria and shall prepare a form for reports filed
26 with the department pursuant to this section. The department
27 shall make the information available by electronic means.

28 Sec. 59. Section 331.441, subsection 2, paragraph b,
29 subparagraphs (10), (13), and (14), Code 2011, are amended to
30 read as follows:

31 (10) The establishment or funding of programs to provide
32 for or assist in providing for the acquisition, restoration, or
33 demolition of housing, as part of a municipal housing project
34 under ~~chapter~~ chapters 402 and 403 or otherwise, or for other
35 purposes as may be authorized under chapter 403A.



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1 (13) The acquisition, pursuant to a chapter 28E agreement,
2 of a city convention center or veterans memorial auditorium,
3 including the renovation, remodeling, reconstruction,
4 expansion, improvement, or equipping of such a center or
5 auditorium, provided that debt service funds shall not be
6 derived from the division of taxes under section 402.19 or
7 section 403.19.

8 (14) The aiding of the planning, undertaking, and carrying
9 out of projects under the authority of chapter 402 or urban
10 renewal projects under the authority of chapter 403 and for
11 the purposes set out in ~~section~~ sections 402.12 and 403.12.
12 However, bonds issued for this purpose are subject to the right
13 of petition for an election as provided in section 331.442,
14 subsection 5, without limitation on the amount of the bond
15 issue or the population of the county, and the board shall
16 include notice of the right of petition in the notice of
17 proposed action required under section 331.443, subsection 2.

18 Sec. 60. Section 357H.4, unnumbered paragraph 2, Code 2011,
19 is amended to read as follows:

20 Within ten days after the hearing, the board shall establish
21 the rural improvement zone by resolution or disallow the
22 petition. However, the zone shall not include any area which
23 is part of a project development area under chapter 402 or an
24 urban renewal area under chapter 403.

25 Sec. 61. Section 357H.9, Code 2011, is amended to read as
26 follows:

27 **357H.9 Incremental property taxes.**

28 The board of trustees shall provide by resolution that taxes
29 levied on the taxable property in a rural improvement zone each
30 year by or for the benefit of the state, city, county, school
31 district, or other taxing district after the effective date of
32 the resolution shall be divided as provided in section 403.19,
33 subsections 1 and 2, Code Supplement 2011, in the same manner
34 as if the taxable property in the rural improvement zone was
35 taxable property in an urban renewal area and the resolution

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1 was an ordinance within the meaning of those subsections. The
2 taxes received by the board of trustees shall be allocated to,
3 and when collected be paid into, a special fund and may be
4 irrevocably pledged by the trustees to pay the principal of and
5 interest on the certificates, contracts, or other obligations
6 approved by the board of trustees to finance or refinance, in
7 whole or in part, an improvement project. As used in this
8 section, "*taxes*" includes, but is not limited to, all levies on
9 an ad valorem basis upon land or real property located in the
10 rural improvement zone.

11 Sec. 62. Section 368.26, unnumbered paragraph 3, Code 2011,
12 is amended to read as follows:

13 For the purposes of this section, "*protected farmland*" means
14 land that is part of a century farm as that term is defined
15 in section ~~403.17~~, ~~subsection 10~~ 402.17. For the purposes
16 of this section, "*county legislation*" means any ordinance,
17 motion, resolution, or amendment adopted by a county pursuant
18 to section 331.302.

19 Sec. 63. Section 380.8, subsection 1, paragraph a, Code
20 2011, is amended to read as follows:

21 a. A city shall compile a code of ordinances containing all
22 of the city ordinances in effect, except grade ordinances, bond
23 ordinances, zoning map ordinances, ordinances vacating streets
24 and alleys, and ordinances containing legal descriptions of
25 urban revitalization areas, project development areas, and
26 urban renewal areas.

27 Sec. 64. Section 384.16, subsection 1, paragraph b, Code
28 2011, is amended to read as follows:

29 b. A budget must show comparisons between the estimated
30 expenditures in each program in the following year, the latest
31 estimated expenditures in each program in the current year,
32 and the actual expenditures in each program from the annual
33 report as provided in section 384.22, or as corrected by a
34 subsequent audit report. Wherever practicable, as provided in
35 rules of the committee, a budget must show comparisons between



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1 the levels of service provided by each program as estimated
2 for the following year, and actual levels of service provided
3 by each program during the two preceding years. For each
4 city that has established a project development area or an
5 urban renewal area, the budget shall include estimated and
6 actual tax increment financing revenues and all estimated and
7 actual expenditures of the revenues, proceeds from debt and
8 all estimated and actual expenditures of the debt proceeds,
9 and identification of any entity receiving a direct payment
10 of taxes funded by tax increment financing revenues and shall
11 include the total amount of loans, advances, indebtedness,
12 or bonds outstanding at the close of the most recently ended
13 fiscal year, which qualify for payment from the project
14 development fund created in section 402.19 or the special
15 fund created in section 403.19, including interest negotiated
16 on such loans, advances, indebtedness, or bonds. The amount
17 of loans, advances, indebtedness, or bonds shall be listed
18 in the aggregate for each city reporting. The city finance
19 committee, in consultation with the department of management
20 and the legislative services agency, shall determine reporting
21 criteria and shall prepare a form for reports filed with the
22 department pursuant to this section. The department shall make
23 the information available by electronic means.

24 Sec. 65. Section 384.24, subsection 3, paragraphs q and u,
25 Code 2011, are amended to read as follows:

26 q. The aiding in the planning, undertaking, and carrying
27 out of projects under the authority of chapter 402 or urban
28 renewal projects under the authority of chapter 403, and all
29 of the purposes set out in ~~section~~ sections 402.12 and 403.12.
30 However, bonds issued for this purpose are subject to the right
31 of petition for an election as provided in section 384.26,
32 without limitation on the amount of the bond issue or the
33 size of the city, and the council shall include notice of the
34 right of petition in the notice required under section 384.25,
35 subsection 2.



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1 u. The establishment or funding of programs to provide for
2 or assist in providing for the acquisition, restoration, or
3 demolition of housing, as part of a municipal housing project
4 under ~~chapter~~ chapters 402 and 403 or otherwise, or for other
5 purposes as may be authorized under chapter 403A.

6 Sec. 66. Section 403A.22, subsection 2, Code 2011, is
7 amended to read as follows:

8 2. Employment by a state public body, its agencies, and
9 institutions or by any other person as defined in ~~subsection~~
10 ~~18 of~~ section 402.17 or section 403.17, having such an
11 interest shall not be deemed an interest by such employee or
12 of any ownership or control by such employee of interests of
13 the employee's employer. Such an employee may participate
14 in a municipal housing project so long as any benefits of
15 such participation accrue to the public generally, such
16 participation affects all or a substantial portion of the
17 properties included or planned to be included in such a
18 project, or such participation promotes the public purposes of
19 such project, and shall limit only that participation by an
20 employee which directly or specifically affects property in
21 which an employer of an employee has an interest.

22 Sec. 67. Section 404.1, subsection 4, Code 2011, is amended
23 to read as follows:

24 4. An area which is appropriate as an economic development
25 area as defined in section 402.17 or 403.17.

26 Sec. 68. Section 404.3, subsection 5, Code 2011, is amended
27 to read as follows:

28 5. A city or county may adopt a different tax exemption
29 schedule than those allowed in subsection 1, 2, 3, or 4. The
30 different schedule adopted shall not allow a greater exemption,
31 but may allow a smaller exemption, in a particular year,
32 than allowed in the schedule specified in the corresponding
33 subsection of this section. A different schedule adopted by
34 a city or county shall apply to every revitalization area
35 within the city or county, unless the qualified property is



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1 eligible for an exemption pursuant to section 404.3A or 404.3B,
2 and except in areas of the city or county which have been
3 designated as both urban renewal and urban revitalization
4 areas or as both project development and urban revitalization
5 areas. In an area designated for both urban renewal and urban
6 revitalization, a city or county may adopt a different schedule
7 than has been adopted for revitalization areas which have not
8 been designated as urban renewal areas. In an area designated
9 for both project development and urban revitalization, a city
10 or county may adopt a different schedule than has been adopted
11 for revitalization areas which have not been designated as
12 project development areas.

13 Sec. 69. Section 423B.1, subsection 6, paragraph c, Code
14 2011, is amended by striking the paragraph.

15 Sec. 70. Section 423B.7, subsection 1, Code 2011, is amended
16 to read as follows:

17 1. ~~a. Except as provided in paragraph "b",~~ The director
18 shall credit the local sales and services tax receipts and
19 interest and penalties from a county-imposed tax to the
20 county's account in the local sales and services tax fund and
21 from a city-imposed tax under section 423B.1, subsection 2, to
22 the city's account in the local sales and services tax fund.
23 If the director is unable to determine from which county any of
24 the receipts were collected, those receipts shall be allocated
25 among the possible counties based on allocation rules adopted
26 by the director.

27 ~~b. Notwithstanding paragraph "a", the director shall~~
28 ~~credit the designated amount of the increase in local sales~~
29 ~~and services tax receipts, as computed in section 423B.10,~~
30 ~~collected in an urban renewal area of an eligible city that has~~
31 ~~adopted an ordinance pursuant to section 423B.10, subsection~~
32 ~~2, into a special city account in the local sales and services~~
33 ~~tax fund.~~

34 Sec. 71. Section 423B.7, subsection 6, Code 2011, is amended
35 by striking the subsection.



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1 Sec. 72. Section 437A.15, subsections 5 and 6, Code
2 Supplement 2011, are amended to read as follows:
3 5. The replacement tax, as adjusted by any special utility
4 property tax levy or credit and remitted to a county treasurer
5 by each taxpayer, shall be treated as a property tax when
6 received and shall be disposed of by the county treasurer
7 as taxes on real estate. Notwithstanding the allocation
8 provisions of this section, nothing in this section shall deny
9 any affected taxing entity, as defined in section 402.17,
10 subsection 1, or section 403.17, subsection 1, which has
11 enacted an ordinance or entered into an agreement for the
12 division and allocation of taxes authorized under section
13 402.19 or section 403.19, as applicable, and under which
14 ordinance or agreement the taxes collected in respect of
15 properties owned by any of the taxpayers remitting replacement
16 taxes pursuant to the provisions of this chapter are being
17 divided and allocated, the right to receive its share of the
18 replacement tax revenues collected for any year which would
19 otherwise be paid to such affected taxing entity under the
20 terms of any such ordinance or agreement had this chapter not
21 been enacted. To the extent that adjustment must be made to
22 the allocation described in this section to give effect to
23 the terms of such ordinances or agreements, the department
24 of management and the county treasurer shall make such
25 adjustments.
26 6. In lieu of the adjustment provided for in subsection 5,
27 the assessed value of property described in section 402.19,
28 subsection 1, or section 403.19, subsection 1, may be reduced
29 by the city or county by the amount of the taxable value of the
30 property described in section 437A.16 included in such area on
31 January 1, 1997, pursuant to amendment of the ordinance adopted
32 by such city or county pursuant to section 402.19 or section
33 403.19.
34 Sec. 73. Section 455G.9, subsection 1, paragraph h, Code
35 Supplement 2011, is amended to read as follows:

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1 *h.* One hundred percent of the costs of corrective action for
2 a governmental subdivision in connection with a tank which was
3 in place on the date the release was discovered or reported if
4 the governmental subdivision did not own or operate the tank
5 which caused the release and if the governmental subdivision
6 did not obtain the property upon which the tank giving rise
7 to the release is located on or after May 3, 1991. Property
8 acquired pursuant to eminent domain in connection with a United
9 States department of housing and urban development approved
10 urban renewal project or a United States department of urban
11 development approved project under chapter 402 is eligible
12 for payment of costs under this paragraph whether or not the
13 property was acquired on or after May 3, 1991.

14 Sec. 74. Section 455H.309, Code 2011, is amended to read as
15 follows:

16 **455H.309 Incremental property taxes.**

17 To encourage economic development and the recycling of
18 contaminated land to promote the purposes of this chapter,
19 cities and counties may provide by ordinance that the costs
20 of carrying out response actions under this chapter are to be
21 reimbursed, in whole or in part, by incremental property taxes
22 over a six-year period. A city or county which implements the
23 option provided for under this section shall provide that taxes
24 levied on property enrolled in the land recycling program under
25 this chapter each year by or for the benefit of the state,
26 city, county, school district, or other taxing district shall
27 be divided as provided in section 403.19, subsections 1 and 2,
28 Code Supplement 2011, in the same manner as if the enrolled
29 property was taxable property in an urban renewal project.
30 Incremental property taxes collected under this section
31 shall be placed in a special fund of the city or county. A
32 participant shall be reimbursed with moneys from the special
33 fund for costs associated with carrying out a response action
34 in accordance with rules adopted by the commission. Beginning
35 in the fourth of the six years of collecting incremental

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1 property taxes, the city or county shall begin decreasing
2 by twenty-five percent each year the amount of incremental
3 property taxes computed under this section.
4 Sec. 75. REPEAL. Section 423B.10, Code 2011, is repealed.
5 Sec. 76. EFFECTIVE UPON ENACTMENT. This division of this
6 Act, being deemed of immediate importance, takes effect upon
7 enactment.

8 EXPLANATION

9 This bill relates to city and county authority to address
10 slum and blight and economic development by modifying Iowa's
11 urban renewal law, providing for the future repeal of Iowa's
12 urban renewal law, and authorizing cities and counties
13 to establish project development areas and to utilize tax
14 increment financing for certain projects.

15 Division I of the bill prohibits a municipality (city or
16 county) from adopting a resolution of necessity under Code
17 chapter 403 on or after the effective date of the bill. A
18 resolution of necessity is required for a municipality to
19 exercise the authority provided to them under Code chapter 403
20 (urban renewal). The bill also prohibits a municipality from
21 approving an urban renewal plan under Code chapter 403 on or
22 after the effective date of the bill. A municipality may,
23 however, amend urban renewal plans currently in effect unless
24 such amendment would result in an extension of the date of
25 termination otherwise required for the urban renewal area under
26 new Code section 403.24.

27 Division I of the bill establishes a definition of
28 "indebtedness" for Code chapter 403. The bill provides
29 that "indebtedness" includes but is not limited to a written
30 agreement to suspend, abate, exempt, rebate, refund, or
31 reimburse property taxes, to make a direct payment of taxes, or
32 to provide a grant for property taxes paid.

33 Division I of the bill prohibits an urban renewal area from
34 including territory located within a project development area
35 under new Code chapter 402.



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1 Division I of the bill phases out the \$5.40 school district
2 foundation property tax from the division of revenue under Code
3 section 403.19 beginning with the fiscal year beginning on
4 July 1, 2018. The foundation property tax is phased-out over
5 a five-year period until it is completely excluded from the
6 division of revenue under Code section 403.19 for fiscal years
7 beginning on or after July 1, 2022.

8 Division I of the bill requires that when a municipality
9 certifies to the county auditor the amount of loans, advances,
10 indebtedness, or bonds which qualify for payment from the
11 municipality's special fund, such certification must include a
12 schedule of payments of such amounts.

13 Division I of the bill prohibits a municipality from
14 adopting an ordinance providing for a division of revenue under
15 Code section 403.19 on or after the effective date of the bill.
16 A municipality may, however, on or after the effective date
17 of the bill, amend an existing ordinance that provides for a
18 division of revenue under this Code section, subject to the
19 limitations of Code chapter 403, as amended in the bill.

20 Division I of the bill provides that for the allocation and
21 division of taxes related to a community college's new jobs
22 training project, as defined in Code chapters 260E or 260F,
23 agreements entered into or joint plans adopted before the
24 effective date of the bill are governed by Code section 403.21
25 and those entered into or adopted on or after the effective
26 date of the bill are governed by new Code section 402.21.

27 Division I of the bill, in new Code section 403.23, provides
28 that on or before December 1 of each year, each municipality
29 that has established an urban renewal area shall report to the
30 department of management and to the appropriate county auditor
31 the total amount of loans, advances, indebtedness, or bonds
32 outstanding at the close of the most recently ended fiscal
33 year, which qualify for payment from the special fund created
34 in Code section 403.19, including interest negotiated on such
35 loans, advances, indebtedness, or bonds. The bill requires



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1 each such amount to be identified by the urban renewal area and
2 by the specific urban renewal project for which such amount
3 was incurred. Such information must also be available to the
4 legislative services agency upon request, and the department
5 of management is required to consult with the legislative
6 services agency when establishing the reporting criteria. If
7 a municipality does not file the required report, the county
8 treasurer shall withhold disbursement of incremental taxes to
9 the municipality until the report is filed.

10 Division I also requires each municipality that has
11 established an urban renewal area which utilizes, or which
12 plans to utilize, revenues from the special fund created in
13 Code section 403.19, to in each odd-numbered year contract
14 with or employ the auditor of state or certified public
15 accountants for an audit or examination of its special fund and
16 financial transactions related thereto. The bill also makes
17 such an audit mandatory on application by a specified number
18 of taxpayers. The bill allows the audit or examination to be
19 part of another audit or examination conducted under another
20 provision of law.

21 Division I of the bill provides that all urban renewal
22 areas established under Code chapter 403, all applicable urban
23 renewal plans, all urban renewal projects within those urban
24 renewal areas, and all ordinances providing for a division
25 of revenue under Code section 403.19, shall terminate on or
26 before June 30, 2023, unless an urban renewal area providing
27 for a division of revenue pursuant to Code section 403.19 is
28 subject to the 20-year limitation under Code section 403.17(10)
29 (economic development areas). In such case, the urban renewal
30 area, urban renewal plan, and all applicable projects and
31 ordinances shall terminate upon expiration of the applicable
32 20-year period.

33 Division I of the bill repeals Code chapter 403 on June
34 30, 2035. The repeal of Code chapter 403, effective June 30,
35 2035, includes Code section 403.19A, relating to targeted job

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1 withholding tax credits under a pilot program. Under current
2 law, withholding agreements under the program may not be
3 entered into after June 30, 2013, and may only be in effect for
4 10 years.

5 Division I of the bill takes effect upon enactment.

6 Division II of the bill establishes new Code chapter 402,
7 which may be referred to and cited as the "Project Development
8 Area Law".

9 Division II specifies the findings and policies for new
10 Code chapter 402. The bill identifies the need for programs
11 to alleviate and prevent slum and blighted areas, conditions
12 of unemployment, and shortages of affordable housing and
13 residential development for low and moderate income families.
14 The bill provides that it is necessary to assist and retain
15 local industries and commercial enterprises to strengthen and
16 revitalize the economy of this state and its municipalities,
17 provide means and methods for the encouragement and assistance
18 of industrial and commercial enterprises in this state, provide
19 means and methods for completion of public improvements related
20 to housing and residential development, and provide means and
21 methods for the construction of housing for low and moderate
22 income families. The bill authorizes municipalities (cities
23 and counties) to designate areas as project development areas
24 for the purpose of undertaking projects, as defined in the
25 bill, related to such policies.

26 New Code section 402.3 authorizes the local governing body
27 of a municipality to formulate a workable program for utilizing
28 appropriate private and public resources to establish a project
29 development area and undertake a project.

30 New Code section 402.4 requires a municipality to adopt a
31 resolution of necessity that makes specified findings prior to
32 exercising the authority conferred upon municipalities by new
33 Code chapter 402.

34 New Code section 402.5 requires a municipality, before
35 undertaking a project in a project development area, to



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1 determine the area to be a slum area, blighted area, economic
2 development area, or a combination of those areas, and adopt a
3 project development plan for the area. The bill provides that
4 the actual value in the aggregate of all property located in
5 project development areas established by a municipality shall
6 not exceed 25 percent of the total actual value of all property
7 within the municipality's area of operation, as defined in the
8 bill.

9 Division II imposes certain restrictions on the authority
10 of a municipality to acquire open land, including agricultural
11 land, as defined in the bill.

12 Division II of the bill specifies the notice, hearing, and
13 approval procedures for a project development plan under new
14 Code chapter 402. Prior to approval of a project development
15 plan which provides for a division of revenue pursuant to Code
16 section 402.19, the municipality shall provide notice to and
17 consult with the affected taxing entities. The municipality
18 is prohibited from holding the required public hearing on a
19 proposed project development plan that includes a division of
20 revenue unless each affected taxing entity has by resolution
21 approved the proposed division of revenue, following the
22 required notice and consultation.

23 Division II specifies the procedures and requirements for
24 amending a project development plan.

25 Division II excludes certain project development plans
26 and projects from specified notice, hearing, and approval
27 requirements if the local governing body certifies that an area
28 is in need of redevelopment or rehabilitation as a result of a
29 flood, fire, hurricane, earthquake, storm, or other catastrophe
30 respecting which the governor of the state has certified the
31 need for disaster assistance under federal law.

32 Division II of the bill specifies the powers of each
33 municipality under new Code chapter 402 and provides that
34 such provisions are to be liberally construed to achieve the
35 purposes of the Code chapter. Many of the powers are similar

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1 to those provided to municipalities under Code chapter 403.
2 New Code section 402.7 specifies the rights of a
3 municipality to acquire by condemnation any interest in real
4 property, which it may deem necessary for or in connection with
5 a project under Code chapter 402, subject to the limitations
6 of new Code chapter 402 on eminent domain authority in
7 Code chapter 6A. New Code section 402.8 specifies each
8 municipality's authority relating to the sale or lease of
9 property in connection with project development areas. New
10 Code section 402.9 specifies the authority of a municipality to
11 periodically issue bonds in its discretion to pay the costs of
12 carrying out the purposes and provisions of new Code chapter
13 402 including but not limited to the payment of principal
14 and interest upon any advances for surveys and planning, and
15 the payment of interest on bonds not to exceed three years
16 from the date the bonds are issued. The bill also authorizes
17 a municipality to issue refunding bonds for the payment or
18 retirement of such bonds previously issued by the municipality.
19 The bonds issued under new Code section 402.9 constitute an
20 indebtedness within the meaning of any constitutional or
21 statutory debt limitation or restriction.
22 Division II of the bill provides that a municipality may
23 itself exercise its project development powers, as defined
24 in the bill, or may by resolution have such powers exercised
25 by a project development agency. The bill establishes the
26 requirements, authority, and limitations of project development
27 agencies. If the municipality does not elect to make such
28 determination, the municipality in its discretion may exercise
29 its project development powers through a board or commissioner,
30 or through such officers of the municipality. The bill
31 provides that for the period of time beginning on the effective
32 date of the bill until June 30, 2023, a municipality may
33 designate the urban renewal agency of the municipality under
34 Code chapter 403 to carry out the duties and exercise the
35 authority of the project development agency under Code chapter

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1 402.

2 Division II of the bill establishes prohibitions on personal
3 interest by public officials or employees of a municipality
4 related to a project development area and projects undertaken
5 within the area.

6 Division II of the bill authorizes a county to proceed with
7 activities authorized under new Code chapter 402 in an area
8 inside the boundaries of a city, provided a joint agreement is
9 entered into with respect to such activities between a city and
10 a county and provided that the city would not be prohibited
11 from proceeding with such activities by the provision in new
12 Code section 402.5, which limits the amount of actual value of
13 a municipality which may be included in project development
14 areas, if the city were to undertake the activities itself.

15 Division II of the bill prohibits a project development area
16 from including territory located within an urban renewal area
17 under Code chapter 403.

18 Division II of the bill authorizes a municipality to,
19 following the required consent of all affected taxing entities,
20 provide by ordinance that taxes levied on taxable property in
21 a project development area each year by or for the benefit
22 of the state, city, county, school district, or other taxing
23 district be divided (tax increment financing). That portion of
24 the taxes which would be produced by the rate at which the tax
25 is levied each year by or for each of the taxing districts upon
26 the total sum of the taxable value of the taxable property in
27 the project development area, as shown on the assessment roll
28 last equalized prior to the date of initial adoption of the
29 project development plan, are allocated to and when collected
30 paid into the fund for the respective taxing district as taxes
31 by or for the taxing district into which all other property
32 taxes are paid. That portion of the taxes each year in excess
33 of such amount are allocated to and when collected paid into
34 a project development fund of the municipality to pay the
35 principal of and interest on loans, moneys advanced to, or



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1 indebtedness, whether funded, refunded, assumed, or otherwise,
2 including bonds issued under the authority of Code section
3 402.9, incurred by the municipality to finance or refinance,
4 in whole or in part, a project within the project development
5 area. The bill, however, excludes from the division of revenue
6 in new Code section 402.19 the taxes for the regular and
7 voter-approved physical plant and equipment levy of a school
8 district, taxes for the payment of bonds and interest of each
9 taxing district, and the school district foundation property
10 tax.

11 Division II provides that the division of revenue provided
12 in new Code section 402.19 is limited to 10 years from
13 the calendar year following the calendar year in which the
14 municipality first certifies to the county auditor the
15 amount of any loans, advances, indebtedness, or bonds which
16 qualify for payment from the division of revenue. The project
17 development area, including all applicable project development
18 plans, projects, and ordinances expire following the 10-year
19 period.

20 Division II of the bill specifies that, except for specified
21 expenses related to low and moderate income housing, deposits
22 into the project development fund that are taxes resulting
23 from a division of revenue under new Code section 402.19 shall
24 only be expended from the fund for expenses related to the
25 project development area from which the deposits were collected
26 and shall not be used for salaries, benefits, per diems, or
27 expenses of any employee of the municipality, for any public
28 building, including the site or grounds of, and the erection,
29 equipment, remodeling, or reconstruction of, and additions
30 or extensions to the buildings or facilities or for movable
31 equipment.

32 Division II of the bill provides that for the allocation and
33 division of taxes related to a community college's new jobs
34 training project, as defined in Code chapters 260E or 260F,
35 agreements entered into or joint plans adopted on or after the



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1 effective date of the division are governed by new Code section
2 402.21.

3 Division II of the bill includes specific requirements
4 related to project development areas that are an economic
5 development area, as defined in the bill, and imposes certain
6 income-based housing requirements on such areas that are
7 similar to those imposed on similar urban renewal areas under
8 Code chapter 403.

9 Division II also requires each municipality that has
10 established a project development area which utilizes, or which
11 plans to utilize, revenues from the project development fund
12 created in Code section 402.19, to in each odd-numbered year
13 contract with or employ the auditor of state or certified
14 public accountants for an audit or examination of its project
15 development fund and financial transactions related thereto.
16 The bill also makes such an audit mandatory on application by
17 a specified number of taxpayers. The bill allows the audit
18 or examination to be part of another audit or examination
19 conducted under another provision of law.

20 Division II of the bill takes effect upon enactment.

21 Division III of the bill makes various related changes to
22 other provisions of law relating to Code chapter 403 and new
23 Code chapter 402.

24 Division III requires the legislative tax expenditure
25 committee to conduct a periodic review of the division of
26 revenue under new Code section 402.19 beginning in 2015.

27 Division III repeals Code section 423B.10 relating to the
28 funding of urban renewal projects using designated amounts
29 of increased sales and services tax revenues within an urban
30 renewal area.

31 Division III of the bill takes effect upon enactment.



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House Study Bill 541 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON ANDERSON)

A BILL FOR

1 An Act relating to certain multiple driving-related convictions
2 for one continuous act of driving.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5454YC (3) 84
jm/rj



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1 Section 1. NEW SECTION. 321.561A Multiple offenses
2 involving one continuous act of driving.

3 1. A person shall not be convicted of more than one offense
4 of operating a motor vehicle while the person's license is
5 suspended under section 321.218, subsection 1, operating a
6 motor vehicle while the person's license is revoked under
7 section 321.218, subsection 1, or operating a motor vehicle
8 while found to be a habitual offender under section 321.561,
9 or any combination of the aforementioned offenses, for one
10 continuous act of driving.

11 2. If a person is convicted of more than one offense
12 listed in subsection 1 that arose out of one continuous act
13 of driving, the court shall only enter a conviction for the
14 offense with the greatest criminal penalty. If the criminal
15 penalty for the offenses are equal, the court shall enter a
16 conviction for only one of the offenses.

17 EXPLANATION

18 This bill relates to certain multiple driving-related
19 convictions for one continuous act of driving.

20 Under the bill, a person shall not be convicted of more
21 than one offense of operating a motor vehicle while a license
22 is suspended under Code section 321.218, operating a motor
23 vehicle while a license is revoked under Code section 321.218,
24 or operating a motor vehicle while found to be a habitual
25 offender under Code section 321.561, or any combination of the
26 aforementioned offenses, for one continuous act of driving.

27 If a person is convicted of multiple offenses listed in new
28 Code section 321.561A created in the bill, the court shall only
29 enter a conviction for the offense with the greatest criminal
30 penalty if the offenses arose from one continuous act of
31 driving. If the criminal penalties for the offenses are equal,
32 the court shall enter a conviction for only one of the criminal
33 offenses.

34 A person who operates a motor vehicle while suspended
35 or revoked under Code section 321.218 commits a simple

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1 misdemeanor. A person who operates a motor vehicle while
2 a habitual offender under Code section 321.561 commits an
3 aggravated misdemeanor.

4 The length of a driver's license suspension or revocation is
5 established in Code section 321.212.

6 The length of a revocation of a driver's license for a person
7 classified as an habitual offender is established in Code
8 section 321.560.

9 A simple misdemeanor is punishable by confinement for no
10 more than 30 days or a fine of at least \$65 but not more than
11 \$625 or by both. An aggravated misdemeanor is punishable by
12 confinement for no more than two years and a fine of at least
13 \$625 but not more than \$6,250.



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House Study Bill 542 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON COWNIE)

A BILL FOR

- 1 An Act relating to the practice of optometry.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TL5B 5303YC (5) 84
jr/nh



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1 Section 1. Section 147.108, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. After contact lenses have been adequately adapted and
4 the patient released from initial follow-up care by a person
5 licensed under chapter 148 or 154, the patient may request
6 a copy, at no cost, of the contact lens prescription from
7 that licensed person. A person licensed under chapter 148 or
8 154 shall not withhold a contact lens prescription after the
9 requirements of this section have been met. The prescription,
10 at the option of the prescriber, may be given orally only to a
11 person who is actively practicing and licensed under chapter
12 148, 154, or 155A. The contact lens prescription shall contain
13 an expiration date, at the discretion of the prescriber, but
14 not to exceed eighteen months. The contact lens prescription
15 shall contain the necessary requirements of the ophthalmic
16 lens, and the prescription validation requirements as defined
17 by rules adopted pursuant to this section. The prescription
18 may contain adapting and material guidelines and may also
19 contain specific instructions for use by the patient. For
20 the purpose of this section, "*ophthalmic lens*" means one which
21 has been fabricated to fill the requirements of a particular
22 contact lens prescription, including pharmaceutical-delivering
23 contact lenses as defined in section 154.1, subsection 4 3.

24 Sec. 2. Section 154.1, Code 2011, is amended to read as
25 follows:

26 154.1 Board defined — optometry — ~~diagnostically certified~~
27 ~~licensed optometrists — therapeutically certified optometrists~~
28 licensed optometrists.

29 1. As used in this chapter, "*board*" means the board of
30 optometry created under chapter 147.

31 2. For the purpose of this subtitle, the following classes
32 of persons shall be deemed to be engaged in the practice of
33 optometry:

34 a. Persons employing any means ~~other than the use of drugs,~~
35 ~~medicine, or surgery~~ for the measurement of the visual power

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1 and visual efficiency of the human eye; persons engaged in
2 the prescribing and adapting of lenses, prisms, and contact
3 lenses; ~~and persons engaged in the using or employing of visual~~
4 ~~training or ocular exercise for the aid, relief, or correction~~
5 ~~of vision; and persons employing the use of medicines and~~
6 ~~procedures for the purposes of diagnosis and treatment of~~
7 ~~diseases or conditions of the eye and adnexa.~~

8 ~~b.~~ Persons who allow the public to use any mechanical device
9 for a purpose described in paragraph "a".

10 ~~c.~~ Persons who publicly profess to be optometrists and to
11 assume the duties incident to the profession.

12 ~~3. Diagnostically certified licensed optometrists may~~
13 ~~employ cycloplegics, mydriatics, and topical anesthetics as~~
14 ~~diagnostic agents topically applied to determine the condition~~
15 ~~of the human eye for proper optometric practice or referral~~
16 ~~for treatment to a person licensed under chapter 148. A~~
17 ~~diagnostically certified licensed optometrist is an optometrist~~
18 ~~who is licensed to practice optometry in this state and who is~~
19 ~~certified by the board to use diagnostic agents.~~

20 ~~4. 3. a. Therapeutically certified optometrists~~ An
21 optometrist licensed under this chapter may employ all
22 diagnostic and therapeutic pharmaceutical agents for the
23 purpose of diagnosis and treatment of conditions of the human
24 eye and adnexa pursuant to this subsection, excluding the
25 use of injections other than to counteract an anaphylactic
26 reaction, and notwithstanding section 147.107, may without
27 charge supply any of the above pharmaceuticals to commence a
28 course of therapy. A licensed optometrist may perform minor
29 surgical procedures and use medications for the diagnosis and
30 treatment of diseases, disorders, and conditions of the eye and
31 adnexa. A license to practice optometry under this chapter
32 does not authorize the performance of surgical procedures
33 which require the use of injectable or general anesthesia or
34 penetration of the globe or the use of ophthalmic lasers for
35 the purpose of ophthalmic surgery within or upon the globe.

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1 ~~b. Therapeutically-certified optometrists~~ A licensed
2 optometrist may employ and, notwithstanding section 147.107,
3 supply pharmaceutical-delivering contact lenses for the
4 purpose of treatment of conditions of the human eye and adnexa.
5 For purposes of this paragraph, "~~pharmaceutical-delivering~~
6 ~~contact lenses~~" means contact lenses that contain one or more
7 therapeutic pharmaceutical agents authorized for employment
8 by this section for the purpose of treatment of conditions of
9 the human eye and adnexa and that deliver such agents into the
10 wearer's eye.

11 ~~c. Therapeutically-certified optometrists~~ A licensed
12 optometrist may prescribe oral steroids for a period not to
13 exceed fourteen days without consultation with a physician.
14 ~~Therapeutically-certified optometrists shall not prescribe oral~~
15 ~~Imuran or oral Methotrexate.~~

16 ~~d. Therapeutically-certified optometrists~~ A licensed
17 optometrist may be authorized, where reasonable and
18 appropriate, by rule of the board, to employ new diagnostic and
19 therapeutic pharmaceutical agents approved by the United States
20 food and drug administration on or after July 1, 2002, for the
21 diagnosis and treatment of the human eye and adnexa.

22 ~~e. The board shall~~ is not ~~be~~ required to adopt rules
23 relating to topical pharmaceutical agents, oral antimicrobial
24 agents, oral antihistamines, oral antiglaucoma agents, and
25 oral analgesic agents. ~~Superficial~~ A licensed optometrist may
26 remove superficial foreign bodies ~~may be removed~~ from the human
27 eye and adnexa.

28 ~~f. The therapeutic efforts of a therapeutically-certified~~
29 licensed optometrist are intended for the purpose of
30 examination, diagnosis, and treatment of visual defects,
31 abnormal conditions, and diseases of the human eye and adnexa,
32 for proper optometric practice or referral for consultation or
33 treatment to persons licensed under chapter 148.

34 ~~g. A therapeutically-certified~~ licensed optometrist is
35 an optometrist who is licensed to practice optometry in this

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1 state and who is certified by the board to use the agents and
2 procedures authorized pursuant to this subsection.

3 ~~5.~~ 4. Beginning July 1, 2012, all licensed optometrists
4 shall meet requirements established by the board by rule to
5 employ diagnostic and therapeutic pharmaceutical agents for the
6 practice of optometry. All licensees practicing optometry in
7 this state shall have demonstrated qualifications and obtained
8 certification to use diagnostic and therapeutic pharmaceutical
9 agents as a condition of license renewal.

10 Sec. 3. Section 154.10, Code 2011, is amended to read as
11 follows:

12 **154.10 Standard of care.**

13 ~~1. A diagnostically certified licensed optometrist~~
14 ~~employing diagnostic pharmaceutical agents as authorized by~~
15 ~~section 154.1 shall be held to the same standard of care in the~~
16 ~~use of such agents and in diagnosis as is common to persons~~
17 ~~licensed under chapter 148 in this state.~~

18 ~~2. A therapeutically certified person licensed as an~~
19 ~~optometrist employing pharmaceutical agents as authorized~~
20 ~~by section 154.1 pursuant to this chapter shall be held to~~
21 ~~the same standard of care in the use of such agents and in~~
22 ~~diagnosis and treatment as is common to persons licensed under~~
23 ~~chapter 148 in this state.~~

24 Sec. 4. Section 155A.21, subsection 2, Code 2011, is amended
25 to read as follows:

26 2. Subsection 1 does not apply to a licensed pharmacy,
27 licensed wholesaler, physician, veterinarian, dentist,
28 podiatric physician, ~~therapeutically certified optometrist,~~
29 advanced registered nurse practitioner, physician assistant,
30 a nurse acting under the direction of a physician, or the
31 board of pharmacy, its officers, agents, inspectors, and
32 representatives, or to a common carrier, manufacturer's
33 representative, or messenger when transporting the drug or
34 device in the same unbroken package in which the drug or device
35 was delivered to that person for transportation.

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EXPLANATION

1
2 Under current law, only an optometrist who has been
3 therapeutically certified by the board of optometry can employ
4 all diagnostic and therapeutic pharmaceutical agents for the
5 purpose of diagnosis and treatment of conditions of the human
6 eye and adnexa. This bill eliminates the requirements for
7 special certification.
8 Current law also requires that beginning July 1, 2012, all
9 licensed optometrists shall meet requirements established
10 by the board by rule to employ diagnostic and therapeutic
11 pharmaceutical agents for the practice of optometry. All
12 licensees practicing optometry in this state shall have
13 demonstrated qualifications and obtained certification to use
14 diagnostic and therapeutic pharmaceutical agents as a condition
15 of license renewal.



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Senate File 2018

S-5001

- 1 Amend Senate File 2018 as follows:
2 1. Page 1, after line 31 by inserting:
3 <Section 1. 2011 Iowa Acts, chapter 131, is amended
4 by adding the following new subsection:
5 NEW SUBSECTION. 2A. It is the intent of the
6 general assembly that the moneys appropriated in this
7 section are for a recognized public good but are
8 appropriated for a private purpose. In accordance with
9 Article III, section 31, of the Constitution of the
10 State of Iowa, the appropriation in this section shall
11 not be expended unless this 2012 Iowa Act is approved
12 by at least two-thirds of the elected members in both
13 the senate and the house of representatives.>
14 2. By renumbering as necessary.

MARK CHELGREN



Iowa General Assembly
Daily Bills, Amendments and Study Bills
January 18, 2012

Senate File 2007

S-5002

1 Amend Senate File 2007 as follows:
2 1. Page 1, by striking line 7 and inserting:
3 <4,186,233
4 Sec. _____. 2011 Iowa Acts, chapter 134, section 11,
5 subsection 2, is amended to read as follows:
6 2. For the fees of court-appointed attorneys for
7 indigent adults and juveniles, in accordance with
8 section 232.141 and chapter 815:
9 \$ ~~30,680,929~~
10 29,680,929
11 Sec. _____. BOARD OF EDUCATIONAL EXAMINERS
12 LICENSING FEES — TRANSFER TO COLLEGE STUDENT AID
13 COMMISSION. Notwithstanding section 272.10, subsection
14 2, in addition to the percentage of licensing fees
15 required to be deposited with the treasurer of state
16 and credited to the general fund of the state pursuant
17 to section 272.10, subsection 2, the executive director
18 of the board of educational examiners shall, at or
19 before the close of the fiscal year beginning July 1,
20 2011, transfer the amount of \$300,000 to the college
21 student aid commission to be used to supplement,
22 not supplant, moneys appropriated in 2011 Iowa Acts,
23 chapter 132, section 2, subsection 4, for purposes of
24 national guard educational assistance under the program
25 established pursuant to section 261.86.>
26 2. Title page, line 1, by striking <an
27 appropriation> and inserting <and transferring
28 appropriations>
29 3. By renumbering as necessary.

BILL DIX

SF2007.3460 (2) 84

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kh/jp

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Senate File 2018

S-5003

- 1 Amend Senate File 2018 as follows:
- 2 1. Page 1, after line 31 by inserting:
- 3 <Sec. _____. REPEAL. 2011 Iowa Acts, chapter 127,
- 4 section 31, is repealed.>
- 5 2. Title page, by striking lines 1 and 2 and
- 6 inserting <An Act relating to functions of certain
- 7 state agencies, making appropriations, and including>
- 8 3. By renumbering as necessary.

JOHN P. KIBBIE



Iowa General Assembly
Daily Bills, Amendments and Study Bills
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Senate File 2022 - Introduced

SENATE FILE 2022
BY KIBBIE

A BILL FOR

1 An Act relating to management of swine, including by providing
2 for biosecurity and development in a farrowing and gestating
3 operation which is part of a confinement feeding operation,
4 and making penalties applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5483XS (3) 84
da/rj



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1 Section 1. LEGISLATIVE INTENT. It is the intent of
2 the general assembly to support swine confinement feeding
3 operations maintaining swine as part of a farrowing and
4 gestating operation by improving the biosecurity of the
5 confinement feeding operation which provides for the on-site
6 raising of replacement breeding swine for the confinement
7 feeding operation's sow herd.

8 Sec. 2. Section 459.102, subsection 46, paragraph b, Code
9 2011, is amended to read as follows:

10 b. For a confinement feeding operation maintaining swine
11 as part of a farrowing and gestating operation, two thousand
12 five hundred or more animal units. In calculating the animal
13 unit capacity of a confinement feeding operation under this
14 paragraph, an animal unit does not include replacement breeding
15 swine, if all of the following apply:

16 (1) The replacement breeding swine are raised at the
17 confinement feeding operation.

18 (2) The replacement breeding swine are used in the farrowing
19 and gestating operation.

20 EXPLANATION

21 LEGISLATIVE INTENT. The bill provides that it is the
22 intent of the general assembly to support certain swine
23 confinement feeding operations (facilities which house swine
24 under a roof) and specifically sow reproduction operations,
25 referred to as a farrowing and gestating operation. The
26 general assembly declares an intent to improve biosecurity of
27 confinement feeding operations involved in the on-site raising
28 of replacement of breeding swine.

29 CURRENT LAW. Currently, special regulations apply to the
30 storage of manure originating from a so-called "qualified
31 confinement feeding operation" which includes a farrowing
32 and gestating operation. The confinement feeding operation
33 is designated as qualified if the maximum number of animal
34 units that may be maintained there at any one time (animal
35 unit capacity) equals 2,500 or more animal units (Code section

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1 459.102). Generally, once classified as qualified, the
2 confinement feeding operation must store manure in a structure
3 that maintains aeration equipment (Code section 459.206).

4 ANIMAL UNITS CALCULATED. Generally, an animal unit is
5 calculated based on animal size. For example, each head of
6 breeding swine is equal to 0.400 animal units and each head of
7 swine weighing 15 pounds or more but not more than 55 pounds
8 is equal to 0.100 animal units. For example, a person keeping
9 1,000 sows would have 400 animal units (1,000 x .4).

10 RECALCULATING ANIMAL UNITS. The bill changes how animal
11 units are calculated in order to determine if a confinement
12 feeding operation which includes a farrowing and gestating
13 operation is considered qualified. Under the bill, replacement
14 breeding swine are not counted if two conditions are satisfied.
15 First, the replacement breeding swine must be raised at the
16 confinement feeding operation and second, the replacement
17 breeding swine must be used in the farrowing and gestating
18 operation.



Iowa General Assembly
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Senate File 2023 - Introduced

SENATE FILE 2023
BY KIBBIE and JOHNSON

A BILL FOR

1 An Act eliminating the department of education's authority to
2 approve certain requests to waive the school start date.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5162XS (4) 84
kh/sc



Iowa General Assembly
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S.F. 2023

1 Section 1. Section 257.17, Code 2011, is amended to read as
2 follows:

3 **257.17 Aid reduction for early school starts.**

4 State aid payments made pursuant to section 257.16 for a
5 fiscal year shall be reduced by one one-hundred-eightieth for
6 each day of that fiscal year for which the school district
7 begins school before the earliest starting date specified in
8 section 279.10, subsection 1. However, this section does not
9 apply to a school district that has received approval from the
10 director of state board of education for a year around school
11 year under section 256.20, or from the department of education
12 under section 279.10, subsection 4, to commence classes for
13 regularly established elementary and secondary schools in
14 advance of the starting date established for a pilot program
15 for an innovative school year in accordance with section
16 279.10, subsection 1 3.

17 Sec. 2. Section 279.10, subsection 2, Code 2011, is amended
18 to read as follows:

19 2. The board of directors shall hold a public hearing on
20 any ~~proposal~~ request for approval made pursuant to subsection
21 3 prior to submitting it to the department of education for
22 approval.

23 Sec. 3. Section 279.10, subsection 4, Code 2011, is amended
24 by striking the subsection.

25 EXPLANATION

26 This bill eliminates the department of education's authority
27 to grant a school district's request to waive the earliest
28 school start date allowed, which currently is no sooner than
29 a day during the calendar week in which the first day of
30 September falls or, if the first day of September falls on a
31 Sunday, a day during the prior week.

32 The bill makes a conforming change to eliminate an exemption
33 in a provision that reduces a school district's state aid
34 payments for early school starts unless the school district
35 receives a waiver, but maintains exemptions for a school

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1 district approved to implement an innovative school year or a
2 year around school year.



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Senate File 2024 - Introduced

SENATE FILE 2024
BY KIBBIE

A BILL FOR

1 An Act relating to workforce training programs in community
2 colleges and making appropriations.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5208XS (4) 84
je/nh



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1 Section 1. Section 84A.6, Code Supplement 2011, is amended
2 by adding the following new subsection:
3 NEW SUBSECTION. 4. The department of workforce
4 development, in consultation with the college student aid
5 commission, shall issue a quarterly report identifying
6 industries in which the department finds a shortage of skilled
7 workers in this state for the purposes of the skilled workforce
8 shortage tuition grant program established in section 261.130.
9 Sec. 2. Section 260I.2, Code Supplement 2011, is amended to
10 read as follows:
11 260I.2 Gap tuition assistance program — fund —
12 appropriation.
13 1. A gap tuition assistance program is established to
14 provide funding to community colleges for need-based tuition
15 assistance to applicants to enable completion of continuing
16 education certificate training programs for in-demand
17 occupations.
18 2. There is established for the community colleges a
19 gap tuition assistance fund in the state treasury to be
20 administered by the department of education. There is
21 appropriated from the general fund of the state to the gap
22 tuition assistance fund for each fiscal year until the close
23 of the fiscal year that begins July 1, 2016, the sum of two
24 million dollars for the purpose of implementing the gap tuition
25 assistance program. The aggregate total of grants awarded
26 shall not be more than two million dollars during a fiscal
27 year. Notwithstanding section 8.33, moneys in the fund at the
28 close of the fiscal year shall not revert to the general fund
29 of the state but shall remain available for expenditure for
30 the purpose designated until the close of the fiscal year that
31 begins July 1, 2016. Notwithstanding section 12C.7, subsection
32 2, interest or earnings on moneys in the fund shall be credited
33 to the fund.
34 Sec. 3. NEW SECTION. 261.130 Skilled workforce shortage
35 tuition grant program — appropriation.

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1 1. A skilled workforce shortage tuition grant may be awarded
2 to any resident of Iowa who is admitted and in attendance as
3 a full-time or part-time student in a vocational-technical
4 or career option program to pursue an associate's degree or
5 other training at a community college in the state, and who
6 establishes financial need.

7 2. Skilled workforce shortage tuition grants shall be
8 awarded only to students pursuing a vocational-technical or
9 career option program in an industry identified as having
10 a shortage of skilled workers by a community college after
11 conducting a regional skills gap analysis or by the department
12 of workforce development in the department's most recent
13 quarterly report pursuant to section 84A.6, subsection 4.

14 3. The amount of a skilled workforce shortage tuition grant
15 shall not exceed the lesser of one-half of a student's tuition
16 and fees for an approved vocational-technical or career option
17 program or the amount of the student's established financial
18 need.

19 4. All classes identified by the community college
20 as required for completion of the student's approved
21 vocational-technical or career option program shall be
22 considered a part of the student's vocational-technical or
23 career option program for the purpose of determining the
24 student's eligibility for a grant. Notwithstanding subsection
25 5, if a student is making satisfactory academic progress but
26 the student cannot complete a vocational-technical or career
27 option program in the time frame allowed for a student to
28 receive a skilled workforce shortage tuition grant as provided
29 in subsection 5 because additional classes are required to
30 complete the program, the student may continue to receive a
31 skilled workforce shortage tuition grant for not more than one
32 additional enrollment period.

33 5. *a.* A qualified full-time student may receive skilled
34 workforce shortage tuition grants for not more than four
35 semesters or the trimester or quarter equivalent of two full

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1 years of study. A qualified part-time student enrolled in a
2 course of study including at least three semester hours but
3 fewer than twelve semester hours or the trimester or quarter
4 equivalent may receive skilled workforce shortage tuition
5 grants for not more than eight semesters or the trimester or
6 quarter equivalent of two full years of full-time study.

7 *b.* However, if a student resumes study after at least a
8 two-year absence, the student may again be eligible for the
9 specified amount of time, except that the student shall not
10 receive assistance for courses for which credit was previously
11 received.

12 6. A skilled workforce shortage tuition grant shall be
13 awarded on an annual basis, requiring reapplication by the
14 student for each year. Payments under the grant shall be
15 allocated equally among the semesters or quarters of the year
16 upon certification by the community college that the student is
17 in full-time or part-time attendance in a vocational-technical
18 or career option program consistent with the requirements of
19 this section. If the student discontinues attendance before
20 the end of any term after receiving payment of the grant, the
21 entire amount of any refund due that student, up to the amount
22 of any payments made under the annual grant, shall be paid by
23 the community college to the state.

24 7. If a student receives financial aid under any other
25 program, the full amount of that financial aid shall be
26 considered part of the student's financial resources available
27 in determining the amount of the student's financial need for
28 that period.

29 8. The commission shall administer this program and shall:

30 *a.* Provide application forms for distribution to students by
31 Iowa high schools and community colleges.

32 *b.* Adopt rules for approving vocational-technical or career
33 option programs in industries identified by the department of
34 workforce development pursuant to section 84A.6, subsection 4;
35 determining financial need; defining residence for the purposes

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1 of this section; processing and approving applications for
2 grants; and determining priority for grants.

3 *c.* Approve and award grants on an annual basis.

4 d. Make an annual report to the governor and general
5 assembly. The report shall include the number of students
6 receiving assistance and the industries identified by
7 the community colleges and by the department of workforce
8 development pursuant to section 84A.6, subsection 4, for which
9 students were admitted to a vocational-technical or career
10 option program.

11 9. Each applicant, in accordance with the rules established
12 by the commission, shall:

13 a. Complete and file an application for a skilled workforce
14 shortage tuition grant.

15 b. Be responsible for the submission of the financial
16 information required for evaluation of the applicant's need for
17 a grant, on forms determined by the commission.

18 c. Report promptly to the commission any information
19 requested.

20 d. Submit a new application for reevaluation of the
21 applicant's eligibility to receive a second-year renewal of the
22 grant.

23 10. There is appropriated from the general fund of the
24 state to the commission for each fiscal year until the close
25 of the fiscal year that begins July 1, 2016, the sum of
26 eighteen million dollars for the skilled workforce shortage
27 tuition grant program. Notwithstanding section 8.33, moneys
28 appropriated in this subsection that remain unencumbered or
29 unobligated at the close of the fiscal year shall not revert
30 but shall remain available for expenditure for the purposes
31 designated until the close of the fiscal year that begins July
32 1, 2016.

EXPLANATION

34 This bill establishes a skilled workforce shortage tuition
35 grant program to be administered by the college student aid

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1 commission. A skilled workforce shortage tuition grant may be
2 awarded by the commission to an Iowa resident who is admitted
3 and in attendance as a full-time or part-time student in a
4 vocational-technical or career option program to pursue an
5 associate's degree or other training at a community college
6 in the state and who establishes financial need. Grants are
7 limited to students pursuing a vocational-technical or career
8 option program in an industry identified as having a shortage
9 of skilled workers by a community college after conducting a
10 regional skills gap analysis or by the department of workforce
11 development. The bill directs the department, in consultation
12 with the college student aid commission, to issue a quarterly
13 report identifying industries in which the department finds
14 a shortage of skilled workers in this state for the purposes
15 of the program. A grant is not to exceed the lesser of
16 one-half of a student's tuition and fees for an approved
17 vocational-technical or career option program or the amount of
18 the student's established financial need.

19 The bill provides that all classes identified by a community
20 college as required for completion of the student's program are
21 considered a part of the student's program for the purpose of
22 determining the student's eligibility for a skilled workforce
23 shortage tuition grant. The bill allows a student to continue
24 to receive a grant for one additional enrollment period if
25 additional classes are required to complete the program.

26 The bill provides that a qualified full-time student can
27 receive skilled workforce shortage tuition grants for up to
28 four semesters or the trimester or quarter equivalent of two
29 full years of study. A qualified part-time student can receive
30 grants for not more than eight semesters or the trimester or
31 quarter equivalent of two full years of full-time study. The
32 bill provides that if a student resumes study after at least a
33 two-year absence, the student may regain eligibility for the
34 specified amount of time, but cannot receive assistance for
35 courses for which credit was previously received.

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1 The bill provides that a skilled workforce shortage
2 tuition grant is to be awarded on an annual basis, requiring
3 reapplication by students for each year. Grants are to be
4 allocated equally among the semesters or quarters of the year
5 upon certification by a community college that a student is
6 in attendance in a vocational-technical or career option
7 program consistent with the requirements of the bill. If the
8 student discontinues attendance before the end of a term after
9 receiving payment of the grant, the entire amount of any refund
10 due that student, up to the amount of any payments made under
11 the annual grant, is to be paid by the community college to the
12 state.

13 The bill provides that if a student receives financial aid
14 under any other program, the full amount of that financial aid
15 is to be considered part of the student's financial resources
16 available in determining the amount of the student's financial
17 need.

18 The bill directs the college student aid commission to carry
19 out certain duties to administer the skilled workforce shortage
20 tuition grant program, including distributing grant application
21 forms, adopting necessary rules, approving and awarding grants,
22 and making an annual report to the governor and the general
23 assembly on the program. The bill provides that each applicant
24 for a grant must complete and file an application, submit
25 information for the determination of financial need, report
26 promptly to the commission any information requested, and
27 submit a new application for reevaluation of the applicant's
28 eligibility to receive a second-year renewal of the grant.

29 The bill appropriates \$18 million from the general fund to
30 the college student aid commission for the skilled workforce
31 shortage tuition grant program for each fiscal year until
32 the close of the fiscal year that begins July 1, 2016.
33 Moneys appropriated by the bill that remain unencumbered or
34 unobligated at the close of the fiscal year do not revert to
35 the general fund but remain available for expenditure for the

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1 purposes designated by the bill until the close of the fiscal
2 year that begins July 1, 2016.

3 The bill establishes a gap tuition assistance fund in the
4 state treasury for the community colleges. The fund is to
5 be administered by the department of education. The bill
6 appropriates \$2 million from the general fund to the gap
7 tuition assistance fund to implement the gap tuition assistance
8 program for each fiscal year until the close of the fiscal
9 year that begins July 1, 2016. The aggregate total of grants
10 awarded shall not be more than \$2 million during a fiscal year.



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Senate File 2025 - Introduced

SENATE FILE 2025
BY CHELGREN

A BILL FOR

1 An Act relating to the civil liability of a person performing
2 necessary improvements to a secondary road.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5003XS (3) 84
rh/rj



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S.F. 2025

1 Section 1. NEW SECTION. 613.22 Secondary road improvements
2 — liability.

3 A person who, without compensation, performs necessary
4 improvements to a secondary road as defined in section 306.3,
5 shall not be liable for civil damages for acts or omissions
6 resulting from the necessary improvements. "*Necessary*
7 *improvements*" includes but is not limited to maintenance and
8 repair.

9 EXPLANATION

10 This bill provides that a person who, without compensation,
11 performs necessary improvements to a secondary road shall not
12 be liable for civil damages for acts or omissions resulting
13 from the necessary improvements. "Necessary improvements"
14 includes but is not limited to maintenance and repair.

15 A secondary road is defined in Code section 306.3 as a road
16 under county jurisdiction.



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Senate File 2026 - Introduced

SENATE FILE 2026
BY BEALL and ERNST

A BILL FOR

1 An Act providing for the issuance of woman veteran motor
2 vehicle registration plates, and establishing and allocating
3 fees.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5465XS (4) 84
dea/nh



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S.F. 2026

1 Section 1. Section 35A.11, Code Supplement 2011, is amended
2 by adding the following new subsection:

3 NEW SUBSECTION. 9A. Woman veteran plates issued pursuant to
4 section 321.34, subsection 20D.

5 Sec. 2. Section 321.34, Code Supplement 2011, is amended by
6 adding the following new subsection:

7 NEW SUBSECTION. 20D. Woman veteran plates.

8 a. The department, in consultation with the adjutant
9 general, shall design a woman veteran distinguishing processed
10 emblem. Upon receipt of two hundred fifty orders for woman
11 veteran special registration plates, accompanied by a start-up
12 fee of twenty dollars per order, the department shall begin
13 issuing special registration plates with the woman veteran
14 distinguishing processed emblem as provided in paragraphs "b"
15 and "c".

16 b. An owner referred to in subsection 12 who is a female
17 veteran of military service may, upon written application to
18 the department and presentation of satisfactory proof of an
19 honorable discharge from the United States armed forces, order
20 special registration plates with a woman veteran processed
21 emblem. The special plate fees collected by the director under
22 subsection 12, paragraphs "a" and "c", from the issuance and
23 annual validation of letter-number designated and personalized
24 woman veteran plates shall be paid monthly to the treasurer of
25 state and deposited in the road use tax fund. The treasurer
26 of state shall transfer monthly from the statutory allocations
27 fund created under section 321.145, subsection 2, to the
28 veterans license fee fund created in section 35A.11 the amount
29 of the special fees collected under subsection 12, paragraph
30 "a", in the previous month for woman veteran plates.

31 c. The surviving spouse of a person who was issued special
32 plates under this subsection may continue to use or apply
33 for and use the special plates subject to registration of
34 the special plates in the surviving spouse's name and upon
35 payment of the annual five-dollar special plate renewal fee and

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1 the regular annual registration fee for the vehicle. If the
2 surviving spouse remarries, the surviving spouse shall return
3 the special plates to the department and the department shall
4 issue regular registration plates to the surviving spouse.

5 Sec. 3. Section 321.145, subsection 2, paragraph b,
6 subparagraph (3), Code Supplement 2011, is amended to read as
7 follows:

8 (3) The amounts required to be transferred pursuant to
9 section 321.34 from revenues available under this subsection
10 shall be transferred and credited as provided in section
11 321.34, subsections 7, 10, 10A, 11, 11A, 11B, 13, 16, 17, 18,
12 19, 20, 20A, 20B, 20C, 20D, 21, 22, 23, 24, 25, and 26 for the
13 various purposes specified in those subsections.

14 EXPLANATION

15 This bill provides for the issuance of special motor vehicle
16 registration plates for woman veterans. The department of
17 transportation, in consultation with the adjutant general, is
18 directed to design a distinguishing processed emblem for the
19 new plate. The department shall begin issuing the special
20 plates with the woman veteran processed emblem upon receipt of
21 250 orders accompanied by a start-up fee of \$20 per order.

22 A motor vehicle owner who is an honorably discharged female
23 veteran of the United States armed forces is required to
24 provide satisfactory proof of the veteran's status to qualify
25 for the special plates. The fee for issuance of the special
26 plate is \$25, and the fee for renewal is \$5. Both fees are
27 in addition to the regular annual registration fee for the
28 vehicle. Additional fees of \$25 for issuance and \$5 for
29 renewal apply for a personalized special plate. The fees are
30 credited to the road use tax fund, then on a monthly basis an
31 amount equal to \$25 for each special plate issued and \$5 for
32 each renewal is transferred from the statutory allocations fund
33 to the veterans license fee fund.

34 The bill provides that a surviving spouse of a woman veteran
35 may continue to use the veteran's special plates or may apply

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1 for and use the special plates, subject to the applicable
2 fees. The plates must be surrendered if the surviving spouse
3 remarries.



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Senate File 2027 - Introduced

SENATE FILE 2027
BY DANIELSON

A BILL FOR

1 An Act relating to directives to the department of human
2 services regarding changes in the IowaCare and Medicaid
3 programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5350XS (4) 84
pf/nh



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S.F. 2027

1 Section 1. IOWACARE AND MEDICAID PROGRAM — DIRECTIVES TO
2 DEPARTMENT OF HUMAN SERVICES. The department of human services
3 shall submit any waiver or state plan amendments under the
4 medical assistance program to the centers for Medicare and
5 Medicaid services of the United States department of health
6 and human services as necessary to implement the following
7 directives:

8 1. Amend the specifications for utilization of funds
9 appropriated from the IowaCare account created in section
10 249J.24 to the department of human services for a laboratory
11 test and radiology pool to allow federally qualified health
12 centers, designated by the department as part of the IowaCare
13 regional provider network that do not have the capability
14 to provide such services on site, to utilize laboratory and
15 radiology providers selected by the individual federally
16 qualified health center and approved by the department in
17 addition to any laboratory and radiology providers designated
18 for that federally qualified health center by the department.
19 Notwithstanding any provision to the contrary, the department
20 shall amend specifications for utilization of the funds
21 to restrict expenditures to payment for routine screening
22 and basic diagnostic testing and to allow adjustment of
23 reimbursement for covered services to provide reimbursement in
24 an amount that is no greater than the Medicaid reimbursement
25 rate.

26 2. Allow federally qualified health centers that are not
27 participating regional provider network providers to refer
28 patients directly to the university of Iowa hospitals and
29 clinics or to the publicly owned acute care teaching hospital
30 located in a county with a population over 350,000 that is a
31 participating provider for specialty services.

32 3. Reimburse federally qualified health centers for all
33 medical, oral, and behavioral health care services provided to
34 a Medicaid program recipient on the same day at the federally
35 qualified health center.

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EXPLANATION

1
2 This bill directs the department of human services (DHS) to
3 submit any waiver or state plan amendments under the medical
4 assistance program to the centers for Medicare and Medicaid
5 services of the United States department of health and human
6 services as necessary to implement three directives:
7 1. Amend the specifications for utilization of funds
8 appropriated to DHS for a laboratory test and radiology pool
9 to allow federally qualified health centers (FQHCs) that are
10 regional providers under the IowaCare program to utilize
11 laboratory and radiology providers selected by the individual
12 FQHC in addition to those laboratory and radiology providers
13 designated by the department. The bill also provides for
14 restriction of expenditures of funds under the pool for
15 routine screening and basic diagnostic testing and provides
16 for adjustment of reimbursement for covered services to
17 provide reimbursement that is not greater than the Medicaid
18 reimbursement rate.
19 2. Allow FQHCs that are not participating regional
20 providers under the IowaCare program to refer patients
21 directly to the university of Iowa hospitals and clinics or to
22 Broadlawns medical center in Des Moines for specialty services.
23 3. Reimburse FQHCs for all medical, oral, and behavioral
24 health care services provided to a Medicaid program recipient
25 on the same day at the FQHC.



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Senate File 2028 - Introduced

SENATE FILE 2028

BY QUIRMBACH, McCOY, KIBBIE,
FRAISE, HORN, DEARDEN,
HATCH, SENG, DOTZLER,
DVORSKY, and BOLKCOM

A BILL FOR

1 An Act prohibiting employment discrimination based on
2 unemployment status and providing remedies.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5090XS (5) 84
je/rj



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S.F. 2028

1 Section 1. FINDINGS — PURPOSE.

2 1. The general assembly finds that denial of employment
3 opportunities to individuals because of their status as
4 unemployed is discriminatory and burdens commerce by doing one
5 or more of the following:

6 a. Reducing personal consumption and undermining economic
7 stability and growth.

8 b. Squandering human capital essential to the state's
9 economic vibrancy and growth.

10 c. Increasing demands for unemployment insurance benefits,
11 reducing unemployment trust fund assets, and leading to higher
12 payroll taxes for employers, or cuts in unemployment insurance
13 benefits for jobless workers, or both.

14 d. Imposing additional burdens on publicly funded health and
15 welfare programs.

16 e. Depressing income, property, and other tax revenues that
17 the states and local governments rely on to support operations
18 and institutions essential to commerce.

19 2. The purposes of this Act are all of the following:

20 a. To prohibit employers and employment agencies from
21 disqualifying an individual from employment opportunities
22 because of that individual's status as unemployed.

23 b. To prohibit employers and employment agencies from
24 publishing or posting any advertisement or announcement for
25 an employment opportunity that indicates that an individual's
26 status as unemployed disqualifies that individual for the
27 opportunity.

28 c. To eliminate the burdens imposed on commerce due to the
29 exclusion of such individuals from employment.

30 Sec. 2. Section 216.2, Code 2011, is amended by adding the
31 following new subsection:

32 NEW SUBSECTION. 14A. "*Status as unemployed*" means that an
33 individual, at the time of application for employment or at the
34 time of action alleged to violate this chapter, does not have a
35 job, is available for work, and is searching for work.

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1 Sec. 3. Section 216.2, subsection 15, Code 2011, is amended
2 to read as follows:

3 15. "*Unfair practice*" or "*discriminatory practice*" means
4 those practices specified as unfair or discriminatory in
5 sections 216.6, 216.6A, 216.6B, 216.7, 216.8, 216.8A, 216.9,
6 216.10, 216.11, and 216.11A.

7 Sec. 4. NEW SECTION. 216.6B Additional unfair or
8 discriminatory practice — unemployment status discrimination in
9 employment.

10 1. It shall be an unfair or discriminatory practice for an
11 employer to do any of the following:

12 a. Publish in print, on the internet, or in any other
13 medium, an advertisement or announcement for an employee for
14 any job that includes any of the following:

15 (1) Any provision stating or indicating that an
16 individual's status as unemployed disqualifies the individual
17 for any employment opportunity.

18 (2) Any provision stating or indicating that the employer
19 will not consider or hire an individual for any employment
20 opportunity based on that individual's status as unemployed.

21 b. Fail or refuse to consider for employment, or fail or
22 refuse to hire, an individual as an employee because of the
23 individual's status as unemployed.

24 c. Direct or request that an employment agency take an
25 individual's status as unemployed into account to disqualify
26 an applicant for consideration, screening, or referral for
27 employment as an employee.

28 2. It shall be an unfair or discriminatory practice for an
29 employment agency to do any of the following:

30 a. Publish in print, on the internet, or in any other
31 medium, an advertisement or announcement for any vacancy in a
32 job, as an employee, that includes any of the following:

33 (1) Any provision stating or indicating that an
34 individual's status as unemployed disqualifies the individual
35 for any employment opportunity.

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1 (2) Any provision stating or indicating that the employment
2 agency or an employer will not consider or hire an individual
3 for any employment opportunity based on that individual's
4 status as unemployed.

5 b. Screen, fail or refuse to consider, or fail or refuse to
6 refer an individual for employment as an employee because of
7 the individual's status as unemployed.

8 c. Limit, segregate, or classify any individual in any
9 manner that would limit or tend to limit the individual's
10 access to information about jobs, or consideration, screening,
11 or referral for jobs, as an employee, solely because of an
12 individual's status as unemployed.

13 3. This section shall not be construed to preclude an
14 employer or employment agency from considering an individual's
15 employment history, or from examining the reasons underlying
16 an individual's status as unemployed, in assessing an
17 individual's ability to perform a job or in otherwise
18 making employment decisions about that individual. Such
19 consideration or examination may include an assessment of
20 whether an individual's employment history in a similar or
21 related job for a period of time reasonably proximate to the
22 time of consideration of the individual for new employment is
23 job-related or consistent with business necessity in relation
24 to that new employment.

25 Sec. 5. Section 216.15, subsection 9, paragraph a, Code
26 2011, is amended by adding the following new subparagraph:

27 NEW SUBPARAGRAPH. (10) For an unfair or discriminatory
28 practice relating to unemployment status discrimination
29 pursuant to section 216.6B, payment to the complainant of
30 damages for an injury caused by the unfair or discriminatory
31 practice which damages shall include but are not limited to
32 actual damages, court costs, reasonable attorney fees, and any
33 of the following, if applicable:

34 (a) For an unfair or discriminatory practice relating to
35 unemployment status discrimination pursuant to section 216.6B,

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1 subsection 1, paragraph "a", or subsection 2, paragraph "a",
2 damages in an amount not to exceed one thousand dollars for
3 each day the unfair or discriminatory practice occurs.
4 (b) For an unfair or discriminatory practice relating to
5 unemployment status discrimination pursuant to section 216.6B,
6 subsection 1, paragraph "b" or "c", or subsection 2, paragraph
7 "b" or "c", if wages, salary, employment benefits, or other
8 compensation have not been denied or lost to the individual,
9 damages in an amount not to exceed five thousand dollars.

10 EXPLANATION

11 This bill prohibits employment discrimination based on
12 an individual's status as unemployed. The bill defines
13 "status as unemployed" as an individual who, at the time
14 of application for employment or at the time of an alleged
15 violation, does not have a job, is available for work, and
16 is searching for work. The Iowa civil rights commission is
17 charged with administration of the bill via existing procedures
18 for employment discrimination complaints.

19 The bill prohibits an employer from engaging in certain
20 unfair or discriminatory employment practices. An employer is
21 prohibited from publishing an advertisement or announcement
22 for employment that includes any provision stating that an
23 individual's status as unemployed disqualifies the individual
24 for any employment opportunity or any provision stating that
25 the employer will not consider or hire an individual for any
26 employment opportunity based on that individual's status as
27 unemployed. An employer is prohibited from failing or refusing
28 to consider for employment or failing or refusing to hire an
29 individual because of the individual's status as unemployed.
30 An employer is prohibited from directing or requesting that an
31 employment agency take an individual's status as unemployed
32 into account to disqualify an applicant for consideration,
33 screening, or referral for employment.

34 The bill also prohibits an employment agency from engaging
35 in certain unfair or discriminatory employment practices.

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1 An employment agency is prohibited from publishing an
2 advertisement or announcement for any vacancy in a job that
3 includes any provision stating that an individual's status
4 as unemployed disqualifies the individual for any employment
5 opportunity or any provision stating that the employment agency
6 or an employer will not consider or hire an individual for any
7 employment opportunity based on that individual's status as
8 unemployed. An employment agency is prohibited from screening,
9 or failing or refusing to consider, or failing or refusing to
10 refer an individual for employment because of the individual's
11 status as unemployed. An employment agency is prohibited from
12 limiting, segregating, or classifying an individual in any
13 manner that would limit the individual's access to information
14 about jobs, or consideration, screening, or referral for jobs
15 solely because of the individual's status as unemployed.

16 The bill provides that a prevailing complainant is entitled
17 to damages including but not limited to actual damages; court
18 costs; reasonable attorney fees; for a violation relating to
19 publication of an advertisement or announcement for employment,
20 up to \$1,000 for each day the violation occurs; and for
21 any other violation, if wages, salary, employment benefits,
22 or other compensation have not been denied or lost to the
23 complainant, up to \$5,000.

24 The bill is not to be construed to preclude an employer
25 or employment agency from considering an individual's
26 employment history, or from examining the reasons underlying
27 an individual's status as unemployed, in assessing an
28 individual's ability to perform a job or in otherwise making
29 employment decisions about that individual. Such consideration
30 or examination may include an assessment of whether an
31 individual's employment history in a similar or related job
32 for a period of time reasonably proximate to the time of
33 consideration for new employment is job-related or consistent
34 with business necessity in relation to that new employment.

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Senate Resolution 102 - Introduced

SENATE RESOLUTION NO. 102

BY DANIELSON

1 A Resolution recognizing the month of April 2012 as
2 Genocide Awareness Month.

3 WHEREAS, the dawn of the 20th century was welcomed
4 as an age of science, an age of enlightenment, and an
5 age of prosperity and peace; and

6 WHEREAS, the 20th century also brought a century of
7 misery and death, including the Musa Dagh resistance in
8 1915 followed by the Armenian persecution, the Rape of
9 Nanking in 1937, the Holocaust of the 1930s and 1940s,
10 the killings in Cambodia in 1975, the massacres in
11 Bosnia in 1992, the slaughter in Rwanda in 1994, and
12 now in the 21st century the displacements and deaths in
13 Darfur; and

14 WHEREAS, all of these tragedies, separated by time
15 and distance, have one common thread, the murder of
16 men, women, and children, young and old alike, based
17 only on where they lived, what God they worshipped,
18 what language they spoke, or to what community they
19 belonged; and

20 WHEREAS, this phenomenon of organized mass murder
21 was given a unique name, genocide, in the last
22 century; and

23 WHEREAS, in the last 100 years genocide has
24 brought death and destruction to tens of millions of
25 people; and

26 WHEREAS, in the dawn of the 21st century the world
27 community must dedicate itself to the task of ending
28 genocide and creating the age of prosperity and peace

LSB 5652SS (2) 84

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S.R. 102

1 that was dreamed of over a century ago; NOW THEREFORE,
2 BE IT RESOLVED BY THE SENATE, That the Senate
3 recognizes the month of April 2012 as Genocide
4 Awareness Month and urges Iowa's schools, universities,
5 and civic organizations to raise public awareness
6 of the history and horror of genocide and encourages
7 public debate on how genocide may be eliminated.



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Senate Study Bill 3046 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to the property tax assessments of certain
2 rental property for low-income and moderate income
3 residents.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5441XC (4) 84
md/sc



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S.F. _____

1 Section 1. Section 441.21, subsection 2, Code Supplement
2 2011, is amended to read as follows:
3 2. In the event market value of the property being assessed
4 cannot be readily established in the foregoing manner, then
5 the assessor may determine the value of the property using the
6 other uniform and recognized appraisal methods including its
7 productive and earning capacity, if any, industrial conditions,
8 its cost, physical and functional depreciation and obsolescence
9 and replacement cost, and all other factors which would assist
10 in determining the fair and reasonable market value of the
11 property but the actual value shall not be determined by use
12 of only one such factor. The following shall not be taken into
13 consideration: Special value or use value of the property to
14 its present owner, and the goodwill or value of a business
15 which uses the property as distinguished from the value of the
16 property as property. However, in assessing property that
17 is rented or leased to low-income individuals and families
18 pursuant to criteria of the HOME investment partnerships
19 program of the federal National Affordable Housing Act of
20 1990 or as authorized by section 42 of the Internal Revenue
21 Code, as amended, and which section limits the amount that the
22 individual or family pays for the rental or lease of units
23 in the property, the assessor shall use the productive and
24 earning capacity from the actual rents received as a method of
25 appraisal and shall take into account the extent to which that
26 use and limitation reduces the market value of the property.
27 The assessor shall not consider any tax credit equity or other
28 subsidized financing as income provided to the property in
29 determining the assessed value. The property owner shall
30 notify the assessor when property is withdrawn from the federal
31 HOME investment partnership program eligibility or section 42
32 eligibility under the Internal Revenue Code. The property
33 shall not be subject to ~~section 42~~ such assessment procedures
34 for the assessment year for which ~~section 42~~ eligibility is
35 withdrawn. This notification must be provided to the assessor



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1 no later than March 1 of the assessment year or the owner
2 will be subject to a penalty of five hundred dollars for that
3 assessment year. The penalty shall be collected at the same
4 time and in the same manner as regular property taxes. Upon
5 adoption of uniform rules by the department of revenue or
6 succeeding authority covering assessments and valuations of
7 such properties, the valuation on such properties shall be
8 determined in accordance with such rules and in accordance with
9 forms and guidelines contained in the real property appraisal
10 manual prepared by the department as updated from time to time
11 for assessment purposes to assure uniformity, but such rules,
12 forms, and guidelines shall not be inconsistent with or change
13 the foregoing means of determining the actual, market, taxable,
14 and assessed values.

15 EXPLANATION

16 Under Code section 441.21(2), property that is rented or
17 leased to low-income individuals and families as authorized by
18 section 42 of the Internal Revenue Code and that is limited
19 in the amount that the individual or family pays for the
20 rental or lease, is assessed for property tax purposes based
21 on productive and earning capacity from the actual rents and
22 such assessment takes into account the extent to which that use
23 and limitation reduces the market value of the property. In
24 addition, the assessor is prohibited from considering any tax
25 credit equity or other subsidized financing as income provided
26 to the property in determining the assessed value.

27 This bill requires property that is rented or leased to
28 low-income individuals and families under criteria of the
29 HOME investment partnership program of the federal National
30 Affordable Housing Act of 1990 to be assessed in the same
31 manner as properties under section 42 of the
32 Internal Revenue Code are assessed.



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Senate Study Bill 3047 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to the amount of net income for which state
2 individual income tax is not imposed and for which a return
3 is not required to be filed and including retroactive
4 applicability provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5362XC (5) 84
mm/sc



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1 Section 1. Section 422.5, subsection 3, Code Supplement
2 2011, is amended by striking the subsection and inserting in
3 lieu thereof the following:

4 3. a. The tax shall not be imposed on a resident or
5 nonresident whose net income, as defined in section 422.7, does
6 not exceed the following amounts in the case of married persons
7 filing jointly or filing separately on a combined return, heads
8 of household, and surviving spouses:

9 (1) For tax years beginning on or after January 1, 2012,
10 and before December 31, 2012, seventeen thousand two hundred
11 dollars.

12 (2) For tax years beginning on or after January 1, 2013, and
13 before December 31, 2013, twenty thousand nine hundred dollars.

14 (3) For tax years beginning on or after January 1, 2014,
15 and before December 31, 2014, twenty-four thousand six hundred
16 dollars.

17 (4) For tax years beginning on or after January 1, 2015, and
18 before December 31, 2015, twenty-eight thousand three hundred
19 dollars.

20 (5) For tax years beginning on or after January 1, 2016,
21 thirty-two thousand dollars.

22 b. The tax shall not be imposed on a resident or nonresident
23 whose net income, as defined in section 422.7, does not exceed
24 the following amounts in the case of all other persons for
25 which paragraph "a" does not apply:

26 (1) For tax years beginning on or after January 1, 2012, and
27 before December 31, 2012, twelve thousand dollars.

28 (2) For tax years beginning on or after January 1, 2013, and
29 before December 31, 2013, fifteen thousand dollars.

30 (3) For tax years beginning on or after January 1, 2014, and
31 before December 31, 2014, eighteen thousand dollars.

32 (4) For tax years beginning on or after January 1, 2015, and
33 before December 31, 2015, twenty-one thousand dollars.

34 (5) For tax years beginning on or after January 1, 2016,
35 twenty-four thousand dollars.

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1 *c.* In the event the payment of tax under this division would
2 reduce the net income to less than the applicable amount in
3 paragraph "a" or "b", then the tax shall be reduced to that
4 amount which would result in allowing the taxpayer to retain
5 that applicable amount of net income. This paragraph does not
6 apply to estates or trusts.

7 *d.* For the purpose of this subsection, the entire net
8 income, including any part of the net income not allocated
9 to Iowa, shall be taken into account. For purposes of this
10 subsection, net income includes all amounts of pensions or
11 other retirement income received from any source which is not
12 taxable under this division as a result of the government
13 pension exclusions in section 422.7, or any other state law.

14 *e.* If the combined net income of a husband and wife exceeds
15 the applicable amount in paragraph "a", neither of them shall
16 receive the benefit of this subsection, and it is immaterial
17 whether they file a joint return or separate returns. However,
18 if a husband and wife file separate returns and have a combined
19 net income which does not exceed the applicable amount in
20 paragraph "a", neither spouse shall receive the benefit of this
21 subsection, if one spouse has a net operating loss and elects
22 to carry back or carry forward the loss as provided in section
23 422.9, subsection 3. A person who is claimed as a dependent by
24 another person as defined in section 422.12 shall not receive
25 the benefit of this subsection if the person claiming the
26 dependent has net income exceeding the applicable amount in
27 paragraph "a" or "b", or the person claiming the dependent and
28 the person's spouse have combined net income exceeding the
29 applicable amount in paragraph "a" or "b".

30 *f.* In lieu of the computation in subsection 1 or 2, or
31 paragraph "a" of this subsection, if the married persons',
32 filing jointly or filing separately on a combined return, head
33 of household's, or surviving spouse's net income exceeds the
34 applicable amount in paragraph "a", the regular tax imposed
35 under this division shall be the lesser of the maximum state



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1 individual income tax rate times the portion of the net income
2 in excess of the applicable amount in paragraph "a" or the
3 regular tax liability computed without regard to this sentence.
4 Taxpayers electing to file separately shall compute the
5 alternate tax described in this paragraph using the total net
6 income of the husband and wife. The alternate tax described
7 in this paragraph does not apply if one spouse elects to carry
8 back or carry forward the loss as provided in section 422.9,
9 subsection 3.

10 Sec. 2. RETROACTIVE APPLICABILITY. This Act applies
11 retroactively to January 1, 2012, for tax years beginning on
12 or after that date.

13 EXPLANATION

14 This bill changes the net income amounts for which state
15 individual income tax is not imposed and for which a return is
16 not required to be filed.

17 Under current law, the state individual income tax is
18 not imposed upon married taxpayers filing jointly or filing
19 separately on a combined return, heads of household, and
20 surviving spouses whose net income is \$13,500 or less. The
21 bill increases this net income amount evenly over a five-year
22 period. The new amounts are \$17,200 for tax years beginning
23 during 2012, \$20,900 for tax years beginning during 2013,
24 \$24,600 for tax years beginning during 2014, \$28,300 for
25 tax years beginning during 2015, and \$32,000 for tax years
26 beginning during 2016 and for every year thereafter.

27 Under current law, the state individual income tax is not
28 imposed upon all other taxpayers whose net income is \$9,000 or
29 less. The bill increases this net income amount evenly over a
30 five-year period. The new amounts are \$12,000 for tax years
31 beginning during 2012, \$15,000 for tax years beginning during
32 2013, \$18,000 for tax years beginning during 2014, \$21,000 for
33 tax years beginning during 2015, and \$24,000 for tax years
34 beginning during 2016 and for every year thereafter.

35 As a result of these changes, and pursuant to Code section

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1 422.13, a resident whose net income is equal to or less than
2 the appropriate dollar amounts, as increased in the bill, is
3 not required to make and file an income tax return, and a
4 nonresident is not required to make and file an income tax
5 return if the person's net income is equal to or less than the
6 appropriate dollar amounts, as increased in the bill, after
7 applying the allocation computation in Code section 422.5.
8 The bill applies retroactively to January 1, 2012, for tax
9 years beginning on or after that date.



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Senate Study Bill 3048 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
WAYS AND MEANS BILL BY
CHAIRPERSON BOLKCOM)

A BILL FOR

1 An Act relating to an income tax checkoff for the anatomical
2 gift public awareness and transplantation fund, making an
3 appropriation, and including retroactive applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5379XC (4) 84
mm/sc



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1 Section 1. Section 142C.15, subsection 1, Code 2011, is
2 amended to read as follows:

3 1. An anatomical gift public awareness and transplantation
4 fund is created as a separate fund in the state treasury under
5 the control of the Iowa department of public health. The fund
6 shall consist of moneys remitted by the county treasurer of
7 a county or by the department of transportation which were
8 collected through the payment of a contribution made by an
9 applicant for registration of a motor vehicle pursuant to
10 section 321.44A, moneys transferred to the fund as provided in
11 section 422.12N, and any other contributions to the fund.

12 Sec. 2. NEW SECTION. 422.12N Income tax checkoff for
13 anatomical gift public awareness and transplantation fund.

14 1. A person who files an individual or a joint income tax
15 return with the department of revenue under section 422.13
16 may designate one dollar or more to be paid to the anatomical
17 gift public awareness and transplantation fund created in
18 section 142C.15. If the refund due on the return or the
19 payment remitted with the return is insufficient to pay the
20 amount designated by the taxpayer to the anatomical gift public
21 awareness and transplantation fund, the amount designated
22 shall be reduced to the remaining amount of refund or the
23 remaining amount remitted with the return. The designation
24 of a contribution to the anatomical gift public awareness and
25 transplantation fund under this section is irrevocable.

26 2. The director of revenue shall draft the income tax form
27 to allow the designation of contributions to the anatomical
28 gift public awareness and transplantation fund on the tax
29 return. The department of revenue, on or before January 31,
30 shall transfer the total amount designated on the tax return
31 forms due in the preceding calendar year to the anatomical gift
32 public awareness and transplantation fund. However, before
33 a checkoff pursuant to this section shall be permitted, all
34 liabilities on the books of the department of administrative
35 services and accounts identified as owing under section 8A.504

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1 and the political contribution allowed under section 68A.601
2 shall be satisfied.

3 3. The department of public health shall authorize payment
4 of moneys from the anatomical gift public awareness and
5 transplantation fund, in accordance with section 142C.15.

6 4. The department of revenue shall adopt rules to administer
7 this section.

8 5. This section is subject to repeal under section 422.12E.

9 Sec. 3. RETROACTIVE APPLICABILITY. This Act applies
10 retroactively to January 1, 2012, for tax years beginning on
11 or after that date.

12 EXPLANATION

13 This bill creates an income tax checkoff for the anatomical
14 gift public awareness and transplantation fund.

15 Taxpayers filing individual or joint income tax returns
16 will be allowed to designate \$1 or more to be paid to the
17 anatomical gift and public awareness and transplantation fund
18 created in Code section 142C.15. If the refund due on the
19 return or payment remitted with the return is less than the
20 amount designated by the taxpayer, the amount designated shall
21 be reduced to the remaining amount of refund or payment on the
22 return. Designations to the fund are irrevocable.

23 The bill directs the director of revenue to create an
24 appropriate tax return form to allow for the checkoff, and to
25 transfer the total amount designated to the fund by January
26 31 of each year. Under current law and the bill, moneys
27 collected for purposes of the fund and deposited in the fund
28 are appropriated to the Iowa department of public health for
29 purposes specified in statute.

30 The bill directs the department of public health to
31 authorize payments from the fund in accordance with Code
32 section 142C.15.

33 The anatomical gift public awareness and transplantation
34 fund checkoff is subject to the repeal requirements in Code
35 section 422.12E, which limits to four the number of income tax



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1 checkoffs that can appear on the income tax return. When the
2 same four income tax return checkoffs have been provided on the
3 income tax return for two consecutive years, the two checkoffs
4 for which the least amount has been contributed through March
5 15 of the second tax year are automatically repealed.
6 The bill applies retroactively to January 1, 2012, for tax
7 years beginning on or after that date.



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Senate Study Bill 3049 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to pollution prevention and waste management
2 assistance.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5191DP (2) 84
tm/nh



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S.F. _____ H.F. _____

1 Section 1. Section 455B.481, subsections 1 through 3, Code
2 2011, are amended to read as follows:
3 1. The purpose of this part is to promote the proper and
4 ~~safe storage, treatment, and disposal~~ management of solid,
5 hazardous, and low-level radioactive wastes in Iowa. The
6 ~~management of these wastes generated within Iowa is the~~
7 ~~responsibility of Iowans. It is the intent of the general~~
8 ~~assembly that Iowans assume this responsibility to the extent~~
9 ~~consistent with the protection of public health, safety, and~~
10 ~~the environment, and that Iowans insure that waste management~~
11 ~~practices, as alternatives to land disposal, including source~~
12 ~~reduction, recycling, compaction, incineration, and other forms~~
13 ~~of waste reduction, are employed.~~
14 2. ~~It is also the intent of the general assembly that a~~
15 ~~comprehensive waste management plan be established by the~~
16 ~~department which includes: the determination of need and~~
17 ~~adequate regulatory controls prior to the initiation of site~~
18 ~~selection; the process for selecting a superior site determined~~
19 ~~to be necessary; the establishment of a process for a site~~
20 ~~community to submit or present data, views, or arguments~~
21 ~~regarding the selection of the operator and the technology~~
22 ~~that best ensures proper facility operation; the prohibition~~
23 ~~of shallow land burial of hazardous and low-level radioactive~~
24 ~~wastes; the establishment of a regulatory framework for a~~
25 ~~facility; and the establishment of provisions for the safe~~
26 ~~and orderly development, operation, closure, postclosure, and~~
27 ~~long-term monitoring and maintenance of the facility.~~
28 3. 2. ~~In order to meet capacity assurance requirements~~
29 ~~of section 104k of the federal Superfund Amendments and~~
30 ~~Reauthorization Act of 1986, Pub. L. No. 99-499, and further~~
31 ~~the objectives of waste minimization, the~~ The department,
32 in cooperation with the small business assistance center at
33 the university of northern Iowa, shall work with generators
34 of hazardous wastes in the state to develop and implement
35 aggressive waste minimization programs. ~~The goal of these~~



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1 ~~programs is to reduce the volume of hazardous waste generated~~
2 ~~in the state as a whole by twenty-five percent of the amount~~
3 ~~generated as of January 1, 1987, as reported in the biennial~~
4 ~~reports collected by the United States environmental protection~~
5 ~~agency. The twenty-five percent reduction goal shall be~~
6 ~~reached as expeditiously as possible and no later than July~~
7 ~~1, 1994. In meeting the reduction goal, elements "a" through~~
8 ~~"d" of the hazardous waste management hierarchy shall be~~
9 ~~utilized. The department, in cooperation with the small~~
10 ~~business assistance center, shall reassess the twenty-five~~
11 ~~percent reduction goal in 1994. The department shall promote~~
12 ~~research and development, provide and promote educational~~
13 ~~and informational programs, promote and encourage provide~~
14 ~~confidential, voluntary technical assistance to hazardous waste~~
15 ~~generators, promote assistance by the small business assistance~~
16 ~~center, and promote other activities by the public and private~~
17 ~~sectors that support this goal. In the promotion of the goal,~~
18 ~~the following hazardous waste management pollution prevention~~
19 ~~hierarchy, in descending order of preference, is established~~
20 ~~by the department:~~

- 21 ~~a.~~ Source reduction for waste elimination.
22 ~~b.~~ Reuse.
23 ~~c.~~ On-site recycling.
24 ~~e.~~ d. Off-site recycling.
25 ~~d.~~ e. Waste treatment.
26 ~~e.~~ f. Incineration Combustion with energy recovery.
27 ~~f.~~ g. Land disposal.

28 Sec. 2. Section 455B.481, subsections 4 and 5, Code 2011,
29 are amended by striking the subsections.

30 Sec. 3. Section 455B.482, Code 2011, is amended by adding
31 the following new subsection:

32 NEW SUBSECTION. 7A. "*Pollution prevention*" means employment
33 of a practice that reduces the industrial use of toxic
34 substances or reduces the environmental and health hazards
35 associated with an environmental waste without diluting or



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1 concentrating the waste before the release, handling, storage,
2 transport, treatment, or disposal of the waste.

3 Sec. 4. Section 455B.484, Code 2011, is amended by adding
4 the following new subsection:

5 NEW SUBSECTION. 1A. Implement the waste management policy
6 provided in section 455B.481.

7 Sec. 5. Section 455B.484, subsections 2, 3, 4, 6, 7, 9, and
8 10, Code 2011, are amended by striking the subsections.

9 Sec. 6. Section 455B.484A, subsection 1, paragraph c, Code
10 2011, is amended to read as follows:

11 *c. "Assistance program" means the ~~waste reduction assistance~~*
12 *pollution prevention program of the department or of the Iowa*
13 *waste reduction center for safe and economic management of*
14 *solid waste and hazardous substances conducted pursuant to*
15 *section 268.4.*

16 Sec. 7. Section 455B.485, subsections 3 and 5, Code 2011,
17 are amended by striking the subsections.

18 Sec. 8. Section 455B.486, subsection 1, Code 2011, is
19 amended by striking the subsection.

20 Sec. 9. Section 455B.487, unnumbered paragraph 1, Code
21 2011, is amended to read as follows:

22 The commission shall adopt rules establishing criteria for
23 the identification of land areas or sites which are suitable
24 for the operation of facilities for the management of ~~hazardous~~
25 ~~and~~ low-level radioactive wastes. Upon request, the department
26 shall assist in locating suitable sites for the location of
27 a facility. The commission may purchase or condemn land to
28 be leased or used for the operation of a facility subject to
29 chapter 6A. Consideration for a contract for purchase of land
30 shall not be in excess of funds appropriated by the general
31 assembly for that purpose. The commission may lease land
32 purchased under this section to any person including the state
33 or a state agency. This section authorizes the state to own or
34 operate ~~hazardous waste facilities and~~ low-level radioactive
35 waste facilities, subject to the approval of the general

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1 assembly.

2 Sec. 10. Section 455B.487, unnumbered paragraph 11, Code
3 2011, is amended by striking the unnumbered paragraph.

4 Sec. 11. Section 455B.487, subsections 1 through 3, Code
5 2011, are amended by striking the subsections.

6 Sec. 12. Section 455D.1, Code 2011, is amended by adding the
7 following new subsection:

8 NEW SUBSECTION. 4A. "*Pollution prevention techniques*" means
9 any of the following practices employed by the user of a toxic
10 substance:

11 *a.* Input substitution, which is the replacement of a toxic
12 substance or raw material used in a production process with a
13 nontoxic or less toxic substance.

14 *b.* Product reformulation, which is the substitution of an
15 end product which is nontoxic or less toxic upon use or release
16 for an existing end product.

17 *c.* Production process redesign or modification, which is
18 the development and use of production processes of a different
19 design other than those currently in use.

20 *d.* Production process modernization, which is the upgrading
21 or replacing of existing production process equipment or
22 methods with other equipment or methods based on the same
23 production process.

24 *e.* Improved operation and maintenance of existing production
25 process equipment and methods, which is the modification or
26 addition to existing equipment or methods, including but not
27 limited to such techniques as improved housekeeping practices,
28 system adjustments, product and process inspections, and
29 production process control equipment or methods.

30 *f.* Recycling, reuse, or extended use of toxic substances by
31 using equipment or methods that become an integral part of the
32 production process.

33 Sec. 13. Section 455D.7, subsection 1, Code 2011, is amended
34 to read as follows:

35 1. Unless otherwise specified in this chapter, adopt rules

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1 necessary to implement this chapter pursuant to chapter 17A.

2 ~~Initial rules shall be adopted no later than April 1, 1992.~~

3 Sec. 14. Section 455D.7, subsection 4, Code 2011, is amended
4 by striking the subsection.

5 Sec. 15. Section 455D.15, subsection 2, Code Supplement
6 2011, is amended by striking the subsections and inserting in
7 lieu thereof the following:

8 2. The fund shall be utilized by the department for
9 providing technical assistance to Iowa businesses in developing
10 and implementing pollution prevention techniques.

11 Sec. 16. Section 455D.15, subsection 3, Code Supplement
12 2011, is amended by striking the subsection.

13 Sec. 17. Section 455E.8, subsections 2 and 3, Code 2011, are
14 amended by striking the subsections.

15 Sec. 18. REPEAL. Sections 455B.516, 455B.517, and
16 455B.518, Code 2011, are repealed.

17 EXPLANATION

18 This bill relates to pollution prevention and waste
19 management assistance.

20 The bill amends the waste management assistance provisions
21 of Code chapter 455B by updating the waste management policy.
22 The bill includes reuse and combustion with energy recovery in
23 the pollution prevention hierarchy and removes incineration
24 from the hierarchy.

25 The bill includes a new definition for "pollution
26 prevention" and uses the term to replace "hazardous waste
27 management" and "waste reduction assistance". The bill
28 eliminates references to hazardous waste throughout Code
29 chapter 455B, division IV, part 9, including duties of the
30 department and the environmental protection commission relating
31 to hazardous waste and the location, acquisition, and operation
32 of hazardous waste management facilities.

33 The bill eliminates many of the duties of the department in
34 relation to waste management and includes a new general duty to
35 implement the waste management policy.



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1 The bill eliminates two duties of the environmental
2 protection commission in relation to waste management policy.
3 The duties relate to budget requests and approval of certain
4 contracts and agreements.

5 The bill eliminates a duty of the commission to recommend
6 to the general assembly, annually, the imposition of waste
7 abatement fees, rebates, and deposits.

8 The bill amends provisions related to the waste volume
9 reduction and recycling fund. The bill eliminates a
10 requirement that grants from the fund be awarded based on the
11 solid waste management hierarchy. The bill provides that the
12 fund shall be utilized for purposes of providing technical
13 assistance to Iowa businesses in developing and implementing
14 pollution prevention techniques.

15 The bill eliminates two duties of the director of the
16 department relating to groundwater reporting requirements.

17 The bill repeals Code sections 455B.516, 455B.517, and
18 455B.518, which relate to the toxics pollution prevention
19 program.



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Senate Study Bill 3050 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to the regulation of snowmobiles, all-terrain
2 vehicles, and watercraft by the department of natural
3 resources, establishing fees, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 321G.1, Code 2011, is amended by adding
2 the following new subsections:

3 NEW SUBSECTION. 5A. "*Designated snowmobile trail*" means
4 a snowmobile riding trail on any public land, private land,
5 or public ice that has been designated by the department,
6 a political subdivision, or a controlling authority for
7 snowmobile use.

8 NEW SUBSECTION. 5B. "*Direct supervision*" means to provide
9 supervision of another person while maintaining visual and
10 verbal contact at all times.

11 NEW SUBSECTION. 11A. "*Nonresident*" means a person who is
12 not a resident of this state.

13 NEW SUBSECTION. 15A. "*Public ice*" means any frozen,
14 navigable waters within the territorial limits of this state
15 and the frozen marginal river areas adjacent to this state,
16 other than farm ponds, that are under the jurisdiction of the
17 commission.

18 NEW SUBSECTION. 16A. "*Public water*" means any navigable
19 waters within the territorial limits of this state and the
20 marginal river areas adjacent to this state, other than farm
21 ponds, that are under the jurisdiction of the commission.

22 NEW SUBSECTION. 17A. "*Resident*" means as defined in section
23 483A.1A.

24 Sec. 2. Section 321G.1, subsections 19 and 21, Code 2011,
25 are amended to read as follows:

26 19. ~~"Safety~~ "Education certificate" means a snowmobile
27 ~~safety~~ education certificate, approved by the commission, which
28 is issued to a qualified applicant who is twelve years of age
29 or older.

30 21. "*Special event*" means an organized race, exhibition, or
31 demonstration of limited duration which is conducted on public
32 land, or public ice, or a designated snowmobile trail under
33 the jurisdiction of the commission according to a prearranged
34 schedule and in which general public interest is manifested.

35 Sec. 3. Section 321G.1, Code 2011, is amended by adding the

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1 following new subsection:

2 NEW SUBSECTION. 23. "Water skipping" means the operation
3 of a snowmobile on the surface of water by utilizing the skis,
4 track, and bottom surface area of the snowmobile for flotation
5 while the snowmobile is in motion.

6 Sec. 4. Section 321G.2, subsection 1, paragraphs c, e, and
7 f, Code 2011, are amended to read as follows:

8 c. Use of snowmobiles on designated snowmobile trails and
9 public lands under the jurisdiction of the commission.

10 e. Establishment of a program of grants, subgrants,
11 and contracts to be administered by the department for the
12 development, maintenance, signing, and operation of designated
13 snowmobile trails and the operation of grooming equipment by
14 political subdivisions and incorporated private organizations.

15 f. Issuance of safety education certificates.

16 Sec. 5. Section 321G.2, subsection 1, Code 2011, is amended
17 by adding the following new paragraph:

18 NEW PARAGRAPH. 1. Maintenance, signing, and operation of
19 designated snowmobile trails.

20 Sec. 6. Section 321G.3, Code 2011, is amended to read as
21 follows:

22 **321G.3 Registration required — penalties.**

23 1. Each snowmobile used on public land ~~or, public ice, or a~~
24 designated snowmobile trail of this state shall be currently
25 registered. A person shall not operate, maintain, or give
26 permission for the operation or maintenance of a snowmobile
27 on public land ~~or, public ice, or a designated snowmobile~~
28 trail unless the snowmobile is registered in accordance with
29 this chapter or applicable federal laws or ~~the snowmobile~~
30 ~~displays a current annual user permit decal issued for the~~
31 ~~snowmobile as provided in section 321G.4A~~ in accordance with
32 an approved numbering system of another state and the evidence
33 of registration is in full force and effect. A snowmobile
34 registered in another state must also be issued a user permit
35 in this state in accordance with this chapter.

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1 ~~2. A registration certificate and registration decal shall~~
2 ~~be assigned, without payment of fee, to snowmobiles owned~~
3 ~~by the state of Iowa or its political subdivisions. The~~
4 ~~registration decal shall be displayed on the snowmobile as~~
5 ~~required under section 321G.5. A registration certificate~~
6 ~~shall be assigned, without payment of a registration fee, for~~
7 ~~a snowmobile which is exempt from registration but is being~~
8 ~~titled, upon payment of a writing fee as provided in section~~
9 ~~321G.27 and an administrative fee. A registration decal shall~~
10 ~~not be issued and the registration shall not expire while the~~
11 ~~snowmobile is exempt. The application for registration and~~
12 ~~the registration certificate shall indicate the reason for~~
13 ~~exemption from the registration fee.~~

14 ~~3.~~ 2. A violation of subsection 1 ~~or 2~~ is punishable as
15 a scheduled violation under section 805.8B, subsection 2,
16 paragraph "a". When the scheduled fine is paid, the violator
17 shall submit proof to the department that a valid registration
18 or user permit has been obtained by providing a copy of the
19 registration or user permit to the department within thirty
20 days of the date the fine is paid. A person who violates this
21 subsection is guilty of a simple misdemeanor.

22 Sec. 7. Section 321G.4, subsection 2, Code 2011, is amended
23 to read as follows:

24 2. The owner of the snowmobile shall file an application for
25 registration with the department through a the county recorder
26 of the county of residence, or in the case of a nonresident
27 owner, in the county of primary use, in the manner established
28 by the commission. The application shall be completed by the
29 owner and shall be accompanied by a fee of fifteen dollars and
30 a writing fee as provided in section 321G.27. A snowmobile
31 shall not be registered by the county recorder until the
32 county recorder is presented with receipts, bills of sale,
33 or other satisfactory evidence that the sales or use tax has
34 been paid for the purchase of the snowmobile or that the
35 owner is exempt from paying the tax. A snowmobile that has

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1 an expired registration certificate from another state may be
2 registered in this state upon proper application, payment of
3 all applicable registration and writing fees, and payment of a
4 penalty of five dollars.

5 Sec. 8. Section 321G.4A, subsection 1, Code 2011, is amended
6 to read as follows:

7 1. A nonresident wishing to operate a snowmobile, other than
8 a snowmobile registered pursuant to this chapter, on public
9 land, or public ice, or a designated snowmobile trail of this
10 state shall ~~first~~ obtain a user permit from the department. A
11 user permit shall be issued for the use on only one snowmobile
12 ~~specified at the time of application~~ and is not transferable.
13 A user permit shall be valid for the calendar year or time
14 period specified in the permit.

15 Sec. 9. Section 321G.6, subsection 3, Code 2011, is amended
16 to read as follows:

17 3. Duplicate registrations may be issued ~~upon application~~
18 ~~to the~~ by a county recorder and or a license agent upon the
19 payment of a five dollar fee plus a writing fee as provided in
20 section 321G.27.

21 Sec. 10. Section 321G.7, subsection 1, Code 2011, is amended
22 to read as follows:

23 1. A county recorder or license agent shall remit to the
24 commission the snowmobile fees collected by the recorder
25 or license agent in the manner and time prescribed by the
26 department.

27 Sec. 11. Section 321G.8, subsection 1, Code 2011, is amended
28 to read as follows:

29 1. Snowmobiles owned ~~and used~~ by the United States, this
30 state, or another state, or by a political governmental
31 subdivision of another state thereof, and used for enforcement,
32 search and rescue, or official research and studies, but not
33 for recreational or commercial purposes.

34 Sec. 12. Section 321G.9, subsection 6, Code 2011, is amended
35 by striking the subsection.

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1 Sec. 13. Section 321G.10, Code Supplement 2011, is amended
2 to read as follows:

3 **321G.10 Accident reports.**

4 If a snowmobile is involved in an accident resulting in
5 injury or death to anyone or property damage amounting to one
6 thousand five hundred dollars or more, either the operator
7 or someone acting for the operator shall immediately notify
8 the county sheriff or another law enforcement agency in the
9 state. If the accident occurred on public land, ~~or public~~
10 ice, or a designated snowmobile trail under the jurisdiction
11 of the commission, the operator shall file with the commission
12 a report of the accident, within seventy-two hours, containing
13 information as the commission may require. All other accidents
14 shall be reported as required under section 321.266.

15 Sec. 14. Section 321G.12, Code 2011, is amended to read as
16 follows:

17 **321G.12 ~~Headlamp — tail lamp~~ Headlight — taillight —**
18 **brakes.**

19 Every snowmobile shall be equipped with at least one
20 ~~headlamp~~ headlight and one ~~tail lamp~~ taillight. Every
21 snowmobile shall be equipped with brakes.

22 Sec. 15. Section 321G.13, subsection 1, paragraph f, Code
23 2011, is amended to read as follows:

24 *f.* On any public land, public ice, or ~~snow~~ designated
25 snowmobile trail, in violation of official signs of the
26 commission prohibiting such operation in the interest of
27 safety for persons, property, or the environment. Any officer
28 appointed by the commission may post an official sign in an
29 emergency for the protection of persons, property, or the
30 environment.

31 Sec. 16. Section 321G.13, subsection 1, Code 2011, is
32 amended by adding the following new paragraph:

33 NEW PARAGRAPH. *i.* Upon the surface of any public water in a
34 maneuver known as water skipping. This paragraph “i” does not
35 apply to operation on rivers or streams between November 1 and



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1 April 1.

2 Sec. 17. Section 321G.13, subsection 3, Code 2011, is
3 amended to read as follows:

4 3. A person shall not drive or operate a snowmobile
5 on public land or a designated snowmobile trail without a
6 measurable snow cover.

7 Sec. 18. Section 321G.17, Code 2011, is amended to read as
8 follows:

9 **321G.17 Violation of stop signal.**

10 A person, ~~after having~~ who has received a visual or audible
11 signal from a peace officer to come to a stop, shall not
12 operate a snowmobile in willful or wanton disregard of the
13 signal, ~~or~~ interfere with or endanger the officer or any other
14 person or vehicle, ~~or~~ increase speed, or attempt to flee or
15 elude the officer.

16 Sec. 19. Section 321G.20, Code 2011, is amended to read as
17 follows:

18 **321G.20 ~~Minors under twelve~~ Operation by minors.**

19 1. An owner or operator of a snowmobile shall not permit
20 a person under twelve years of age to operate and a person
21 less than twelve years of age shall not operate, a snowmobile
22 on a designated snowmobile trail, public land, or public ice
23 except when accompanied on the same snowmobile by a responsible
24 person of at least eighteen years of age who is experienced
25 in snowmobile operation and who possesses a valid driver's
26 license, as defined in section 321.1, or a safety an education
27 certificate issued under this chapter.

28 2. While operating a snowmobile on a designated snowmobile
29 trail, public land, or public ice, a person twelve through
30 fifteen years of age and possessing a valid education
31 certificate must be under the direct supervision of a parent,
32 guardian, or another adult authorized by the parent or
33 guardian, who is experienced in snowmobile operation and
34 possesses a valid driver's license, as defined in section
35 321.1, or an education certificate issued under this chapter.

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1 3. A person under eighteen years of age but over the age of
2 fifteen shall not operate a snowmobile on or across a public
3 highway unless the person has in the person's possession an
4 education certificate issued to the person pursuant to this
5 chapter.

6 Sec. 20. Section 321G.21, subsections 1 through 5, Code
7 2011, are amended to read as follows:

8 1. A manufacturer, distributor, or dealer owning a
9 snowmobile required to be registered under this chapter
10 may operate the snowmobile for purposes of transporting,
11 testing, demonstrating, or selling it without the snowmobile
12 being registered, except that a special ~~identification~~
13 ~~number registration decal~~ issued to the owner as provided
14 in this chapter shall be displayed on the snowmobile in the
15 manner prescribed by rules of the commission. The special
16 ~~identification number registration decal~~ shall not be used
17 on a snowmobile offered for hire or for any work or service
18 performed by a manufacturer, distributor, or dealer.

19 2. Every manufacturer, distributor, or dealer shall
20 register with the department by making application to the
21 commission, upon forms prescribed by the commission, for
22 a special registration certificate ~~containing a general~~
23 ~~identification number and for one or more duplicate special~~
24 ~~registration certificates and decal.~~ The applicant shall pay
25 a registration fee of fifteen forty-five dollars and submit
26 reasonable proof of the applicant's status as a bona fide
27 manufacturer, distributor, or dealer as may be required by the
28 commission.

29 3. The commission, upon granting an application, shall
30 issue to the applicant a special registration certificate
31 ~~containing and decal.~~ The special registration certificate
32 shall contain the applicant's name, and address, the and
33 general identification number; assigned to the applicant, the
34 word "manufacturer", "dealer", or "distributor"; and other
35 information the commission prescribes. ~~The manufacturer,~~

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~~1 distributor, or dealer shall have the assigned number printed~~
~~2 upon or attached to a removable sign or signs which may be~~
~~3 temporarily but firmly mounted or attached to the snowmobile~~
~~4 being used. The display shall meet the requirements of this~~
~~5 chapter and the rules of the commission.~~

6 4. The commission shall also issue duplicate special
7 registration certificates and decals which shall have displayed
8 thereon the general identification number assigned to the
9 applicant. ~~Each duplicate registration certificate so issued~~
10 ~~shall contain a number or symbol identifying it from every~~
11 ~~other duplicate special registration certificate bearing the~~
12 ~~same general identification number. A county recorder may~~
13 issue duplicate special registration certificates and decals
14 electronically pursuant to rules adopted by the commission.
15 The fee for each additional duplicate special registration
16 certificate and decal shall be ~~two~~ five dollars, plus a writing
17 fee.

18 5. Each special registration certificate issued ~~hereunder~~
19 under this section shall be for a period of three years and
20 shall expire on December 31 of each the renewal year, and
21 a. A new special registration certificate for the ensuing
22 twelve months three-year renewal period may be obtained upon
23 application to the commission and payment of the fee provided
24 by law. A county recorder may issue special registration
25 certificate renewals electronically pursuant to rules adopted
26 by the commission.

27 Sec. 21. Section 321G.23, Code 2011, is amended to read as
28 follows:

29 **321G.23 Course of instruction.**

30 1. The commission shall provide, by rules adopted pursuant
31 to section 321G.2, for the establishment of certified courses
32 of instruction to be conducted throughout the state for the
33 safe use and operation of snowmobiles. The curriculum shall
34 include instruction in the lawful and safe use, operation, and
35 equipping of snowmobiles consistent with this chapter and rules



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1 adopted by the commission and the director of transportation
2 and other matters the commission deems pertinent for a
3 qualified snowmobile operator. The commission may establish
4 a fee for the course which shall not exceed the actual cost of
5 instruction minus moneys received by the department from ~~safety~~
6 education certificate fees under section 321G.24.

7 2. The commission may certify any experienced, qualified
8 operator to be an instructor of a class established under
9 subsection 1. Each instructor shall be at least eighteen years
10 of age.

11 3. Upon completion of the course of instruction, the
12 commission shall provide for the administration of a written
13 test to any student who wishes to qualify for ~~a safety an~~
14 education certificate.

15 4. The commission shall provide ~~safety~~ education material
16 relating to the operation of snowmobiles for the use of
17 nonpublic or public elementary and secondary schools in this
18 state.

19 5. The department may develop requirements and standards
20 for online education offerings. Only vendors who have entered
21 into a memorandum of understanding with the department
22 shall be permitted to offer an online course that results
23 in the issuance of an education certificate approved by the
24 commission. Vendors may charge for their courses and collect
25 the education certificate fee required under section 321G.24,
26 subsection 2, on behalf of the department as agreed to in the
27 memorandum of understanding.

28 Sec. 22. Section 321G.24, Code 2011, is amended to read as
29 follows:

30 **321G.24 Safety Education certificate — fee.**

31 1. A person under eighteen years of age shall not
32 operate a snowmobile on public land, ~~or public ice, a~~
33 designated snowmobile trail, or land purchased with snowmobile
34 registration funds in this state without obtaining a valid
35 ~~safety~~ education certificate ~~issued~~ approved by the department



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1 and having the certificate in the person's possession,
2 unless the person is accompanied on the same snowmobile by
3 a responsible person of at least eighteen years of age who
4 is experienced in snowmobile operation and possesses a valid
5 driver's license, as defined in section 321.1, or a ~~safety~~ an
6 education certificate issued under this chapter.

7 2. Upon ~~application~~ successful completion of the course
8 and payment of a fee of five dollars, a qualified applicant
9 shall be issued a ~~safety~~ an education certificate which is
10 valid until the certificate is suspended or revoked by the
11 director for a violation of a provision of this chapter or a
12 rule adopted pursuant to this chapter. ~~The application shall~~
13 ~~be made on forms issued by the commission and shall contain~~
14 ~~information as the commission may reasonably require.~~

15 3. Any person who is required to have a ~~safety~~ an education
16 certificate under this chapter and who has completed a course
17 of instruction established under section 321G.2, subsection
18 1, paragraph "j", including the successful passage of an
19 examination which includes a written test relating to such
20 course of instruction, shall be considered qualified to receive
21 a ~~safety~~ an education certificate.

22 4. The ~~permit~~ certificate fees collected under this section
23 shall be credited to the special snowmobile fund created under
24 section 321G.7 and shall be used for safety and educational
25 programs.

26 5. A valid snowmobile safety or education certificate or
27 license issued ~~to a nonresident~~ by a governmental authority
28 of another state shall be considered a valid certificate or
29 license in this state if the permit certification or license
30 licensing requirements of the governmental authority, ~~excluding~~
31 ~~fees,~~ are substantially the same as the requirements of this
32 chapter as determined by the commission.

33 Sec. 23. Section 321G.25, Code 2011, is amended to read as
34 follows:

35 **321G.25 Stopping and inspecting — warnings.**



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1 A peace officer may stop and inspect a snowmobile operated,
2 parked, or stored on public streets, highways, public lands,
3 ~~or frozen waters~~ public ice, or designated snowmobile trails
4 of the state to determine if the snowmobile is registered,
5 numbered, or equipped as required by this chapter and
6 commission rules. The officer shall not inspect an area that
7 is not essential to determine compliance with the requirements.
8 If the officer determines that the snowmobile is not in
9 compliance, the officer may issue a warning memorandum to the
10 operator and forward a copy to the commission. The warning
11 memorandum shall indicate the items found not in compliance and
12 shall direct the owner or operator of the snowmobile to have
13 the snowmobile in compliance and return a copy of the warning
14 memorandum with the proof of compliance to the commission
15 within fourteen days. If the proof of compliance is not
16 provided within fourteen days, the owner or operator is in
17 violation of this chapter.

18 Sec. 24. Section 321G.26, Code 2011, is amended to read as
19 follows:

20 **321G.26 Termination of use.**

21 A person who receives a warning memorandum for a snowmobile
22 shall stop using the snowmobile as soon as possible and shall
23 not operate it on public streets, highways, public lands, ~~or~~
24 ~~frozen waters~~ public ice, or designated snowmobile trails of
25 the state until the snowmobile is in compliance.

26 Sec. 25. Section 321G.27, subsection 1, Code 2011, is
27 amended by adding the following new paragraph:

28 NEW PARAGRAPH. *0c.* The county recorder shall collect
29 a writing fee of one dollar and twenty-five cents for each
30 duplicate special registration certificate issued by the county
31 recorder's office.

32 Sec. 26. Section 321G.29, subsection 8, Code Supplement
33 2011, is amended to read as follows:

34 8. Once titled, a person shall not sell or transfer
35 ownership of a snowmobile without delivering to the purchaser

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1 or transferee a certificate of title with an assignment on it
2 showing title in the ~~purchaser or transferee~~ purchaser's or
3 transferee's name. A person shall not purchase or otherwise
4 acquire a snowmobile without obtaining a certificate of title
5 for it in that person's name.

6 Sec. 27. Section 321G.31, subsection 1, Code 2011, is
7 amended to read as follows:

8 1. If ownership of a snowmobile is transferred by
9 operation of law, such as by inheritance, order in bankruptcy,
10 insolvency, replevin, or execution sale, the transferee, within
11 thirty days after acquiring the right to possession of the
12 snowmobile, shall mail or deliver to the county recorder of
13 the transferee's county of residence satisfactory proof of
14 ownership as the county recorder requires, together with an
15 application for a new certificate of title, and the required
16 fee.

17 Sec. 28. Section 321G.33, subsections 1 and 3, Code 2011,
18 are amended to read as follows:

19 1. The department may assign a distinguishing number to
20 a snowmobile when the serial number on the snowmobile is
21 destroyed or obliterated and issue to the owner a special
22 plate decal bearing the distinguishing number which shall be
23 affixed to the snowmobile in a position to be determined by
24 the department. The snowmobile shall be registered and titled
25 under the distinguishing number in lieu of the former serial
26 number. Every snowmobile shall have a vehicle identification
27 number assigned and affixed as required by the department.

28 3. A person shall not destroy, remove, alter, cover, or
29 deface the manufacturer's vehicle identification number, the
30 plate or decal bearing it, or any vehicle identification number
31 the department assigns to a snowmobile without the department's
32 permission.

33 Sec. 29. Section 321I.1, subsection 1, paragraph b, Code
34 2011, is amended to read as follows:

35 b. Off-road motorcycles shall be considered all-terrain

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1 vehicles for the purpose of registration. Off-road motorcycles
2 shall also be considered all-terrain vehicles for the purpose
3 of titling if a title has not previously been issued pursuant
4 to chapter 321. An operator of an off-road motorcycle is
5 subject to provisions governing the operation of all-terrain
6 vehicles in this chapter, but is exempt from the ~~safety~~
7 education instruction and certification program requirements of
8 sections 321I.25 and 321I.26.

9 Sec. 30. Section 321I.1, subsections 6, 7, and 16, Code
10 2011, are amended to read as follows:

11 6. "*Designated riding area*" means an all-terrain vehicle
12 riding area on any public land or public ice under the
13 jurisdiction of the department that has been designated by the
14 department for all-terrain vehicle use.

15 7. "*Designated riding trail*" means an all-terrain vehicle
16 riding trail on any public land, private land, or public
17 ~~ice under the jurisdiction of the department~~ that has been
18 designated by the department, a political subdivision, or a
19 controlling authority for all-terrain vehicle use.

20 16. a. "*Off-road utility vehicle*" means a motorized
21 flotation-tire or tracked vehicle with not less than four
22 and not more than eight low-pressure tires or tracks that is
23 limited in engine displacement to less than one thousand five
24 hundred cubic centimeters and in total dry weight to not more
25 than one thousand eight hundred pounds and that has a seat that
26 is of bucket or bench design, not intended to be straddled
27 by the operator, and a steering wheel or control levers for
28 control.

29 b. ~~An owner of an off-road utility vehicle may register~~
30 ~~or title an off-road utility vehicle in order to legally~~
31 ~~operate the off-road vehicle on public ice, a designated~~
32 ~~riding area, or a designated riding trail.~~ The operator of an
33 off-road utility vehicle is subject to provisions governing
34 the operation of all-terrain vehicles in section 321.234A, ~~and~~
35 this chapter, and administrative rules, but is exempt from

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1 the ~~safety~~ education instruction and certification program
2 requirements of sections 321I.25 and 321I.26. An operator of
3 an off-road utility vehicle shall not operate the vehicle on a
4 designated riding area or designated riding trail unless the
5 department has posted signage indicating the riding area or
6 trail is open to the operation of off-road utility vehicles.
7 Off-road utility vehicles are ~~exempt from~~ subject to the dealer
8 registration and titling requirements of this chapter. A
9 motorized vehicle that was previously titled or is currently
10 titled under chapter 321 shall not be registered or operated
11 as an off-road utility vehicle.

12 Sec. 31. Section 321I.1, Code 2011, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 20A. "*Public ice*" means any frozen,
15 navigable waters within the territorial limits of this state
16 and the frozen marginal river areas adjacent to this state,
17 other than farm ponds, that are under the jurisdiction of the
18 commission.

19 Sec. 32. Section 321I.1, subsections 23, 25, and 27, Code
20 2011, are amended to read as follows:

21 23. "*Resident*" means ~~a person who meets the requirements~~
22 ~~for residency described in section 321.1A~~ as defined in section
23 483A.1A.

24 25. "*Safety Education certificate*" means an all-terrain
25 vehicle ~~safety~~ education certificate, approved by the
26 commission, which is issued to a qualified applicant who is
27 twelve years of age or older.

28 27. "*Special event*" means an organized race, exhibition,
29 or demonstration of limited duration which is conducted on
30 public land, ~~or public ice,~~ or a designated riding trail under
31 the jurisdiction of the commission according to a prearranged
32 schedule and in which general public interest is manifested.

33 Sec. 33. Section 321I.2, subsection 1, paragraph f, Code
34 2011, is amended to read as follows:

35 f. Issuance of ~~safety~~ education certificates.

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1 Sec. 34. Section 321I.3, Code 2011, is amended to read as
2 follows:

3 **321I.3 Registration required — penalties.**

4 1. Each all-terrain vehicle used on public land, or public
5 ice, or a designated riding trail of this state shall be
6 currently registered. A person shall not operate, maintain,
7 or give permission for the operation or maintenance of an
8 all-terrain vehicle on public land, or public ice, or a
9 designated riding trail unless the all-terrain vehicle is
10 registered in accordance with this chapter or applicable
11 federal laws or ~~the all-terrain vehicle displays a current~~
12 ~~annual user permit decal issued for the all-terrain vehicle~~
13 ~~as provided in section 321I.5~~ in accordance with an approved
14 numbering system of another state and the evidence of
15 registration is in full force and effect. An all-terrain
16 vehicle registered in another state must also be issued a user
17 permit in this state in accordance with this chapter.

18 ~~2. A registration certificate and registration decal~~
19 ~~shall be assigned, without payment of fee, to all-terrain~~
20 ~~vehicles owned by the state of Iowa or its political~~
21 ~~subdivisions. The registration decal shall be displayed on~~
22 ~~the all-terrain vehicle as required under section 321I.6. A~~
23 ~~registration certificate shall be assigned, without payment~~
24 ~~of a registration fee, for an all-terrain vehicle which is~~
25 ~~exempt from registration but is being titled, upon payment~~
26 ~~of a writing fee as provided in section 321I.29 and an~~
27 ~~administrative fee. A registration decal shall not be issued~~
28 ~~and the registration shall not expire while the all-terrain~~
29 ~~vehicle is exempt. The application for registration and~~
30 ~~the registration certificate shall indicate the reason for~~
31 ~~exemption from the registration fee.~~

32 ~~3.~~ 2. A violation of subsection 1 ~~or 2~~ is punishable as
33 a scheduled violation under section 805.8B, subsection 2A,
34 paragraph "a". When the scheduled fine is paid, the violator
35 shall submit proof to the department that a valid registration

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1 or user permit has been obtained by providing a copy of the
2 registration or user permit to the department within thirty
3 days of the date the fine is paid. A person who violates this
4 subsection is guilty of a simple misdemeanor.

5 Sec. 35. Section 321I.4, subsection 2, Code 2011, is amended
6 to read as follows:

7 2. The owner of the all-terrain vehicle shall file an
8 application for registration with the department through a the
9 county recorder of the county of residence, or in the case
10 of a nonresident owner, in the county of primary use, in the
11 manner established by the commission. The application shall
12 be completed by the owner and shall be accompanied by a fee
13 of fifteen dollars and a writing fee as provided in section
14 321I.29. An all-terrain vehicle shall not be registered by the
15 county recorder until the county recorder is presented with
16 receipts, bills of sale, or other satisfactory evidence that
17 the sales or use tax has been paid for the purchase of the
18 all-terrain vehicle or that the owner is exempt from paying the
19 tax. An all-terrain vehicle that has an expired registration
20 certificate from another state may be registered in this state
21 upon proper application, payment of all applicable registration
22 and writing fees, and payment of a penalty of five dollars.

23 Sec. 36. Section 321I.5, subsection 1, Code 2011, is amended
24 to read as follows:

25 1. A nonresident wishing to operate an all-terrain vehicle,
26 other than an all-terrain vehicle ~~owned by a resident and~~
27 registered pursuant to this chapter, on public land, or public
28 ice, or a designated riding trail of this state shall ~~first~~
29 obtain a user permit from the department. A user permit shall
30 be issued for the use on only one all-terrain vehicle ~~specified~~
31 ~~at the time of application~~ and is not transferable. A user
32 permit shall be valid for the calendar year or time period
33 specified in the permit.

34 Sec. 37. Section 321I.7, subsections 3 and 4, Code 2011, are
35 amended to read as follows:

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1 3. Duplicate registrations may be issued ~~upon application~~
2 ~~to the~~ by a county recorder or a license agent and the payment
3 of a five dollar fee plus a writing fee as provided in section
4 321I.29.

5 4. A motorcycle, as defined in section 321.1, subsection
6 40, paragraph "a", may be registered as an all-terrain vehicle
7 as provided in this section. A motorcycle registered as an
8 all-terrain vehicle may participate in all programs established
9 for all-terrain vehicles under this chapter except for the
10 safety education instruction and certification program.

11 Sec. 38. Section 321I.8, Code 2011, is amended to read as
12 follows:

13 **321I.8 Fees remitted to commission — appropriation.**

14 1. A county recorder or license agent shall remit to the
15 commission the all-terrain vehicle fees collected by the
16 recorder or license agent in the manner and time prescribed by
17 the department.

18 2. The department shall remit the fees, including user
19 fees collected pursuant to section 321I.5, to the treasurer
20 of state, who shall place the money in a special all-terrain
21 vehicle fund. The money is appropriated to the department for
22 the all-terrain vehicle programs of the state. The programs
23 shall include grants, subgrants, contracts, or cost-sharing
24 of all-terrain vehicle programs with political subdivisions
25 or incorporated private organizations or both in accordance
26 with rules adopted by the commission. All-terrain vehicle fees
27 may be used for the establishment, maintenance, and operation
28 of all-terrain vehicle recreational riding areas through the
29 awarding of grants administered by the department. All-terrain
30 vehicle recreational riding areas established, maintained, or
31 operated by the use of such grants shall not be operated for
32 profit. All programs using cost-sharing, grants, subgrants, or
33 contracts shall establish and implement a safety an education
34 instruction program either singly or in cooperation with other
35 all-terrain vehicle programs. All-terrain vehicle fees may

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1 be used to support all-terrain vehicle programs on a usage
2 basis. At least fifty percent of the special fund shall be
3 available for political subdivisions or incorporated private
4 organizations or both. Moneys from the special fund not
5 used by the political subdivisions or incorporated private
6 organizations or both shall remain in the fund and may be used
7 by the department for the administration of the all-terrain
8 vehicle programs. Notwithstanding section 8.33, moneys in the
9 special fund shall not revert to the general fund of the state
10 at the end of a fiscal year. Notwithstanding section 12C.7,
11 subsection 2, interest or earnings on moneys in the special
12 fund shall remain in the fund.

13 Sec. 39. Section 321I.9, subsection 1, Code 2011, is amended
14 to read as follows:

15 1. All-terrain vehicles owned ~~and used~~ by the United States,
16 this state, or another state, or by a political governmental
17 subdivision of another state thereof, and used for enforcement,
18 search and rescue, or official research and studies, but not
19 for recreational or commercial purposes.

20 Sec. 40. Section 321I.11, Code Supplement 2011, is amended
21 to read as follows:

22 **321I.11 Accident reports.**

23 If an all-terrain vehicle is involved in an accident
24 resulting in injury or death to anyone or property damage
25 amounting to one thousand five hundred dollars or more,
26 either the operator or someone acting for the operator
27 shall immediately notify the county sheriff or another law
28 enforcement agency in the state. If the accident occurred
29 on public land, or public ice, or a designated riding trail
30 under the jurisdiction of the commission, the operator shall
31 file with the commission a report of the accident, within
32 seventy-two hours, containing information as the commission may
33 require. All other accidents shall be reported as required
34 under section 321.266.

35 Sec. 41. Section 321I.13, Code 2011, is amended to read as

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1 follows:

2 **321I.13 ~~Headlamp — tail lamp~~ Headlight — taillight —**
3 **brakes.**

4 Every all-terrain vehicle operated during the hours of
5 darkness shall display a lighted ~~headlamp~~ headlight and ~~tail~~
6 ~~lamp~~ taillight. Every all-terrain vehicle shall be equipped
7 with brakes.

8 Sec. 42. Section 321I.14, subsection 1, paragraph f, Code
9 2011, is amended to read as follows:

10 f. On any public land, public ice, or ~~snow~~ designated
11 riding trail, in violation of official signs of the commission
12 prohibiting such operation in the interest of safety for
13 persons, property, or the environment. Any officer appointed
14 by the commission may post an official sign in an emergency for
15 the protection of persons, property, or the environment.

16 Sec. 43. Section 321I.17, Code 2011, is amended to read as
17 follows:

18 **321I.17 Special events.**

19 The department may authorize the holding of organized
20 special events as defined in this chapter within this state.
21 The department shall adopt rules relating to the conduct of
22 special events held under department permits and designating
23 the equipment and facilities necessary for the safe operation
24 of all-terrain vehicles ~~or~~, off-road motorcycles, and off-road
25 utility vehicles and for the safety of operators, participants,
26 and observers in the special events. A special event ~~for~~
27 ~~all-terrain vehicles~~ may ~~include motorcycles upon payment~~
28 ~~of~~ require an entrance fee set by the organizer of the
29 special event. The department may require that part of the
30 ~~motorcycle~~ entrance fee be credited to pay costs of all-terrain
31 vehicle programs authorized pursuant to section 321I.8. At
32 least thirty days before the scheduled date of a special
33 event in this state, an application shall be filed with the
34 department for authorization to conduct the special event. The
35 application shall set forth the date, time, and location of the

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1 proposed special event and any other information the department
2 requires. The special event shall not be conducted without
3 written authorization of the department. ~~Copies of the rules~~
4 ~~shall be furnished by the department to any person making an~~
5 ~~application.~~

6 Sec. 44. Section 321I.18, Code 2011, is amended to read as
7 follows:

8 **321I.18 Violation of stop signal.**

9 A person, ~~after having~~ who has received a visual or audible
10 signal from a peace officer to come to a stop, shall not
11 operate an all-terrain vehicle in willful or wanton disregard
12 of the signal, ~~or~~ interfere with or endanger the officer or any
13 other person or vehicle, ~~or~~ increase speed, or attempt to flee
14 or elude the officer.

15 Sec. 45. Section 321I.21, unnumbered paragraph 1, Code
16 2011, is amended to read as follows:

17 A person under twelve years of age shall not operate an
18 all-terrain vehicle, including an off-road motorcycle, on a
19 designated riding area or designated riding trail or on public
20 land or public ice unless one of the following applies:

21 Sec. 46. Section 321I.21, subsection 1, Code 2011, is
22 amended to read as follows:

23 1. The person is taking a prescribed safety education
24 training course and the operation is under the direct
25 supervision of a certified all-terrain vehicle safety education
26 instructor.

27 Sec. 47. Section 321I.22, subsections 1 through 5, Code
28 2011, are amended to read as follows:

29 1. A manufacturer, distributor, or dealer owning an
30 all-terrain vehicle required to be registered under this
31 chapter may operate the all-terrain vehicle for purposes of
32 transporting, testing, demonstrating, or selling it without the
33 all-terrain vehicle being registered, except that a special
34 ~~identification number~~ registration decal issued to the owner as
35 provided in this chapter shall be displayed on the all-terrain

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1 vehicle in the manner prescribed by rules of the commission.
2 The special ~~identification number~~ registration decal shall not
3 be used on an all-terrain vehicle offered for hire or for any
4 work or service performed by a manufacturer, distributor, or
5 dealer.
6 2. Every manufacturer, distributor, or dealer shall
7 register with the department by making application to the
8 commission, upon forms prescribed by the commission, for
9 a special registration certificate ~~containing a general~~
10 ~~identification number and for one or more duplicate special~~
11 ~~registration certificates and decal.~~ The applicant shall pay
12 a registration fee of ~~fifteen~~ forty-five dollars and submit
13 reasonable proof of the applicant's status as a bona fide
14 manufacturer, distributor, or dealer as may be required by the
15 commission.
16 3. The commission, upon granting an application, shall
17 issue to the applicant a special registration certificate
18 containing and decal. The special registration certificate
19 shall contain the applicant's name, ~~and address, the and~~
20 general identification number; ~~assigned to the applicant, the~~
21 word "manufacturer", "dealer", or "distributor"; ~~and other~~
22 information the commission prescribes. ~~The manufacturer,~~
23 ~~distributor, or dealer shall have the assigned number printed~~
24 ~~upon or attached to a removable sign or signs which may be~~
25 ~~temporarily but firmly mounted or attached to the all-terrain~~
26 ~~vehicle being used. The display shall meet the requirements of~~
27 ~~this chapter and the rules of the commission.~~
28 4. The commission shall also issue duplicate special
29 registration certificates and decals which shall have displayed
30 thereon the general identification number assigned to the
31 applicant. ~~Each duplicate registration certificate so issued~~
32 ~~shall contain a number or symbol identifying it from every~~
33 ~~other duplicate special registration certificate bearing the~~
34 ~~same general identification number. A county recorder may~~
35 issue duplicate special registration certificates and decals



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1 electronically pursuant to rules adopted by the commission.
2 The fee for each additional duplicate special registration
3 certificate and decal shall be ~~two~~ five dollars plus a writing
4 fee.

5 5. Each special registration certificate issued ~~hereunder~~
6 under this section shall be for a period of three years and
7 shall expire on December 31 of each the renewal year, and
8 a. A new special registration certificate for the ensuing
9 twelve months three-year renewal period may be obtained upon
10 application to the commission and payment of the fee provided
11 by law. A county recorder may issue special registration
12 certificate renewals electronically pursuant to rules adopted
13 by the commission.

14 Sec. 48. Section 321I.25, Code 2011, is amended to read as
15 follows:

16 **321I.25 Course of instruction.**

17 1. The commission shall provide, by rules adopted pursuant
18 to section 321I.2, for the establishment of certified courses
19 of instruction to be conducted throughout the state for the
20 safe use and operation of all-terrain vehicles. The curriculum
21 shall include instruction in the lawful and safe use,
22 operation, and equipping of all-terrain vehicles consistent
23 with this chapter and rules adopted by the commission ~~and the~~
24 ~~director of transportation and other matters the commission~~
25 ~~deems pertinent for a qualified all-terrain vehicle operator.~~
26 The commission may establish a fee for the course which shall
27 not exceed the actual cost of instruction minus moneys received
28 by the department from safety education certificate fees under
29 section 321I.26.

30 2. The commission may certify any experienced, qualified
31 operator to be an instructor of a class established under
32 subsection 1. Each instructor shall be at least eighteen years
33 of age.

34 3. Upon completion of the course of instruction, the
35 commission shall provide for the administration of either a

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1 written test or the demonstration of adequate riding skills to
2 any student who wishes to qualify for ~~a safety~~ an education
3 certificate.

4 4. The commission shall provide ~~safety~~ education material
5 relating to the operation of all-terrain vehicles for the use
6 of nonpublic or public elementary and secondary schools in this
7 state.

8 5. The department may develop requirements and standards
9 for online education offerings. Only vendors who have entered
10 into a memorandum of understanding with the department
11 shall be permitted to offer an online course that results
12 in the issuance of an education certificate approved by the
13 commission. Vendors may charge for their courses and collect
14 the education certificate fee required under section 321I.26,
15 subsection 2, on behalf of the department as agreed to in the
16 memorandum of understanding.

17 Sec. 49. Section 321I.26, Code 2011, is amended to read as
18 follows:

19 **321I.26 Safety Education certificate — fee.**

20 1. A person twelve years of age or older but less than
21 eighteen years of age shall not operate an all-terrain vehicle
22 on public land, ~~or public ice,~~ a designated riding trail, or
23 land purchased with all-terrain vehicle registration funds
24 in this state without obtaining a valid ~~safety~~ education
25 certificate ~~issued~~ approved by the department and having the
26 certificate in the person's possession.

27 2. Upon ~~application~~ successful completion of the course
28 and payment of a fee of five dollars, a qualified applicant
29 shall be issued ~~a safety~~ an education certificate which is
30 valid until the certificate is suspended or revoked by the
31 director for a violation of a provision of this chapter or a
32 rule adopted pursuant to this chapter. ~~The application shall~~
33 ~~be made on forms issued by the commission and shall contain~~
34 ~~information as the commission may reasonably require.~~

35 3. Any person who is required to have ~~a safety~~ an education

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1 certificate under this chapter and who has completed a course
2 of instruction established under section 321I.2, subsection
3 1, paragraph "i", including the successful passage of an
4 examination which includes either a written test relating to
5 such course of instruction or the demonstration of adequate
6 riding skills, shall be considered qualified to receive a
7 safety an education certificate.

8 4. The ~~permit~~ certificate fees collected under this section
9 shall be credited to the special all-terrain vehicle fund and
10 shall be used for ~~safety and~~ educational programs.

11 5. A valid all-terrain vehicle safety or education
12 certificate or license issued ~~to a nonresident~~ by a
13 governmental authority of another state shall be considered
14 a valid certificate or license in this state if the ~~permit~~
15 certification or license licensing requirements of the
16 governmental authority, ~~excluding fees~~, are substantially the
17 same as the requirements of this chapter as determined by the
18 commission.

19 Sec. 50. Section 321I.27, Code 2011, is amended to read as
20 follows:

21 **321I.27 Stopping and inspecting — warnings.**

22 A peace officer may stop and inspect an all-terrain vehicle
23 operated, parked, or stored on public streets, highways,
24 public lands, ~~or frozen waters~~ public ice, or designated
25 riding trails of the state to determine if the all-terrain
26 vehicle is registered, numbered, or equipped as required by
27 this chapter and commission rules. The officer shall not
28 inspect an area that is not essential to determine compliance
29 with the requirements. If the officer determines that the
30 all-terrain vehicle is not in compliance, the officer may issue
31 a warning memorandum to the operator and forward a copy to the
32 commission. The warning memorandum shall indicate the items
33 found not in compliance and shall direct the owner or operator
34 of the all-terrain vehicle to have the all-terrain vehicle in
35 compliance and return a copy of the warning memorandum with the



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1 proof of compliance to the commission within fourteen days. If
2 the proof of compliance is not provided within fourteen days,
3 the owner or operator is in violation of this chapter.

4 Sec. 51. Section 321I.28, Code 2011, is amended to read as
5 follows:

6 **321I.28 Termination of use.**

7 A person who receives a warning memorandum for an
8 all-terrain vehicle shall stop using the all-terrain vehicle as
9 soon as possible and shall not operate it on public streets,
10 highways, public lands, ~~or frozen waters~~ public ice, or
11 designated riding trails of the state until the all-terrain
12 vehicle is in compliance.

13 Sec. 52. Section 321I.29, subsection 1, Code 2011, is
14 amended by adding the following new paragraph:

15 NEW PARAGRAPH. *0c.* The county recorder shall collect
16 a writing fee of one dollar and twenty-five cents for each
17 duplicate special registration certificate issued by the county
18 recorder's office.

19 Sec. 53. Section 321I.31, subsection 8, Code 2011, is
20 amended to read as follows:

21 8. Once titled, a person shall not sell or transfer
22 ownership of an all-terrain vehicle without delivering to
23 the purchaser or transferee a certificate of title with an
24 assignment on it showing title in the ~~purchaser or transferee~~
25 purchaser's or transferee's name. A person shall not purchase
26 or otherwise acquire an all-terrain vehicle without obtaining a
27 certificate of title for it in that person's name.

28 Sec. 54. Section 321I.33, subsection 1, Code 2011, is
29 amended to read as follows:

30 1. If ownership of an all-terrain vehicle is transferred by
31 operation of law, such as by inheritance, order in bankruptcy,
32 insolvency, replevin, or execution sale, the transferee,
33 within thirty days after acquiring the right to possession of
34 the all-terrain vehicle, shall mail or deliver to the county
35 recorder of the transferee's county of residence satisfactory

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1 proof of ownership as the county recorder requires, together
2 with an application for a new certificate of title, and the
3 required fee.

4 Sec. 55. Section 321I.35, subsections 1 and 3, Code 2011,
5 are amended to read as follows:

6 1. The department may assign a distinguishing number to an
7 all-terrain vehicle when the serial number on the all-terrain
8 vehicle is destroyed or obliterated and issue to the owner a
9 special plate decal bearing the distinguishing number which
10 shall be affixed to the all-terrain vehicle in a position to be
11 determined by the department. The all-terrain vehicle shall be
12 registered and titled under the distinguishing number in lieu
13 of the former serial number. Every all-terrain vehicle shall
14 have a vehicle identification number assigned and affixed as
15 required by the department.

16 3. A person shall not destroy, remove, alter, cover, or
17 deface the manufacturer's vehicle identification number, the
18 plate or decal bearing it, or any vehicle identification number
19 the department assigns to an all-terrain vehicle without the
20 department's permission.

21 Sec. 56. Section 461C.2, subsection 5, Code 2011, is amended
22 to read as follows:

23 5. "*Recreational purpose*" means the following or any
24 combination thereof: Hunting, trapping, horseback riding,
25 fishing, swimming, boating, camping, picnicking, hiking,
26 pleasure driving, motorcycling, all-terrain vehicle riding,
27 nature study, water skiing, snowmobiling, other summer
28 and winter sports, and viewing or enjoying historical,
29 archaeological, scenic, or scientific sites while going to and
30 from or actually engaged therein.

31 Sec. 57. Section 462A.2, Code Supplement 2011, is amended by
32 adding the following new subsection:

33 NEW SUBSECTION. 43A. "*Watercraft education certificate*"
34 means a certificate, approved by the commission, which is
35 issued to a qualified applicant who is twelve years of age or

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1 older who has successfully completed a watercraft education
2 course approved by the department.

3 Sec. 58. Section 462A.12, subsection 6, Code 2011, is
4 amended to read as follows:

5 6. An owner or operator of a vessel propelled by a motor
6 of more than ten horsepower shall not permit any person under
7 twelve years of age to operate the vessel unless accompanied
8 in or on the same vessel by a responsible person of at
9 least eighteen years of age who is experienced in motorboat
10 operation. A person who is twelve years of age or older
11 but less than eighteen years of age shall not operate any
12 vessel propelled by a motor of more than ten horsepower unless
13 the person has successfully completed a department-approved
14 watercraft ~~safety~~ education course and obtained a watercraft
15 ~~safety~~ education certificate or is accompanied in or on the
16 same vessel by a responsible person of at least eighteen years
17 of age who is experienced in motorboat operation. A person
18 required to have a watercraft ~~safety~~ education certificate
19 shall carry and shall exhibit or make available the certificate
20 upon request of an officer of the department. A violation
21 of this subsection is a simple misdemeanor as provided in
22 section 462A.13. However, a person charged with violating
23 this subsection shall not be convicted if the person produces
24 in court, within a reasonable time, a ~~department-approved~~
25 watercraft education certificate. The cost of a ~~department~~
26 watercraft education certificate, or any duplicate, shall not
27 exceed five dollars.

28 Sec. 59. NEW SECTION. **462A.12A Online watercraft education**
29 **courses.**

30 1. The department shall develop requirements and standards
31 for online watercraft education courses. Only vendors who have
32 entered into a memorandum of understanding with the department
33 shall be approved by the department to offer an online
34 watercraft education course that upon successful completion is
35 sufficient to result in the issuance of a watercraft education



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1 certificate to the person who completes the course.

2 2. A vendor approved to offer an online watercraft education
3 course as provided in subsection 1 may charge a fee for the
4 course as agreed to in the memorandum of understanding with
5 the department and may also collect the watercraft education
6 certificate fee on behalf of the department as agreed to in the
7 memorandum of understanding.

8 Sec. 60. Section 462A.36, Code 2011, is amended to read as
9 follows:

10 **462A.36 Fee for special certificate — minimum requirements**
11 **for issuance.**

12 1. Any manufacturer or dealer may, upon payment of a fee of
13 fifteen ~~forty-five~~ dollars, make application to the commission,
14 upon such forms as the commission prescribes, for a special
15 certificate containing a general distinguishing number and for
16 one or more duplicate special certificates. The applicant
17 shall submit such reasonable proof of the applicant's status
18 as a bona fide manufacturer or dealer as the commission may
19 require.

20 2. The commission may adopt rules consistent with this
21 chapter establishing minimum requirements for a dealer or
22 manufacturer to be issued a special certificate. In adopting
23 such rules the department shall consider the need to protect
24 persons, property, and the environment, and to promote uniform
25 practices relating to the sale and use of vessels. The
26 commission may also adopt rules providing for the suspension or
27 revocation of a dealer's or manufacturer's special certificate
28 issued pursuant to this section.

29 Sec. 61. Section 462A.38, Code 2011, is amended to read as
30 follows:

31 **462A.38 ~~Duplicates~~ Duplicate special certificates.**

32 The commission shall also issue duplicate special
33 certificates as applied for which shall have displayed
34 thereon the general distinguishing number assigned to the
35 applicant. ~~Each duplicate special certificate so issued shall~~

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~~1 contain a number or symbol identifying the same from every~~
~~2 other duplicate special certificate bearing the same general~~
~~3 distinguishing number. The fee for each additional duplicate~~
~~4 special certificate shall be two five dollars plus a writing~~
~~5 fee.~~

6 Sec. 62. Section 462A.39, Code 2011, is amended to read as
7 follows:

8 **462A.39 Expiration date.**

9 Each special certificate issued ~~hereunder~~ under this
10 chapter shall be for a period of three years and shall expire
11 at midnight on April 30 of the last calendar year of the
12 registration period, and a new special certificate may be
13 renewed for the ensuing registration another three-year period
14 ~~may be obtained~~ upon application to the commission and payment
15 of the fee provided by law.

16 Sec. 63. Section 462A.46, Code 2011, is amended to read as
17 follows:

18 **462A.46 Purchase of registered vessel by dealer.**

19 Whenever a dealer purchases or otherwise acquires a
20 vessel registered in this state, the dealer shall issue a
21 signed receipt to the previous owner, indicating the date of
22 purchase or acquisition, the name and address of such previous
23 owner, and the registration number of the vessel purchased
24 or acquired. ~~The original receipt shall be delivered to the~~
25 ~~previous owner and one copy shall be mailed or delivered by~~
26 ~~the dealer to the county recorder of the county in which the~~
27 ~~vessel is registered, and one copy shall be delivered to the~~
28 ~~commission within forty-eight hours.~~

29 Sec. 64. Section 462A.53, Code 2011, is amended to read as
30 follows:

31 **462A.53 Amount of writing fees.**

32 A writing fee of one dollar and twenty-five cents for
33 each ~~transaction~~ privilege shall be collected by the county
34 recorder. ~~If two or more functions are transacted for the same~~
35 ~~vessel at one time, the writing fee is limited to one dollar~~

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1 ~~and twenty-five cents.~~

2 Sec. 65. Section 805.8B, subsection 2, paragraph a, Code
3 2011, is amended to read as follows:

4 a. For registration or user permit violations under section
5 321G.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is
6 fifty dollars.

7 Sec. 66. Section 805.8B, subsection 2, paragraph b,
8 subparagraph (3), Code 2011, is amended to read as follows:

9 (3) For operating violations under section 321G.13,
10 subsection 1, paragraphs "a", "b", "e", "f", "g", and "h", and
11 "i", and subsections 2 and 3, the scheduled fine is one hundred
12 dollars.

13 Sec. 67. Section 805.8B, subsection 2, paragraph g, Code
14 2011, is amended to read as follows:

15 g. For violations of section 321G.20 and for ~~safety~~
16 education certificate violations under section 321G.24,
17 subsection 1, the scheduled fine is fifty dollars.

18 Sec. 68. Section 805.8B, subsection 2A, paragraphs a and g,
19 Code 2011, are amended to read as follows:

20 a. For registration or user permit violations under section
21 321I.3, ~~subsections~~ subsection 1 and 2, the scheduled fine is
22 fifty dollars.

23 g. For violations of section 321I.21 and for ~~safety~~
24 education certificate violations under section 321I.26,
25 subsection 1, the scheduled fine is fifty dollars.

26 Sec. 69. REPEAL. Sections 462A.40 and 462A.42, Code 2011,
27 are repealed.

28 EXPLANATION

29 This bill relates to matters concerning the regulation
30 of snowmobiles, all-terrain vehicles, and watercraft by
31 the department of natural resources, and makes penalties
32 applicable.

33 SNOWMOBILE REGULATION. The bill makes numerous revisions
34 to Code chapter 321G, which provides for the regulation of
35 snowmobiles by the department.

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1 The bill defines "resident" and "nonresident", for purposes
2 of snowmobile regulation, to mean the same as defined for
3 purposes of hunting and fishing licenses.

4 The bill defines "public water" as any navigable waters
5 within the state and the marginal river areas adjacent to the
6 state, other than farm ponds, under the jurisdiction of the
7 natural resource commission. A similar definition is provided
8 for "public ice", and various sections of Code chapter 321G are
9 amended to specify the defined term.

10 The bill specifies that the natural resource commission may
11 adopt rules for the use of snowmobiles on designated snowmobile
12 trails and for maintenance, signing, and operation of the
13 trails, and existing provisions are amended to indicate that
14 operation on designated trails is subject to regulation by
15 the department. The scope of grant programs and contracts
16 administered by the department is expanded to include
17 the signage of designated snowmobile trails. "Designated
18 snowmobile trail" is defined to mean a snowmobile riding
19 trail on any public land, private land, or public ice that is
20 designated by the department, a political subdivision, or a
21 controlling authority for snowmobile use.

22 The bill specifies that the original application for
23 registration of a snowmobile must be filed with the county
24 recorder of the owner's county of residence or if the owner is
25 a nonresident, in the county of primary use. If a transfer
26 of ownership occurs by operation of law, the application must
27 be filed in the transferee's county of residence. Duplicate
28 registrations and registration renewals may be accomplished
29 through a county recorder or a license agent. A snowmobile
30 owned by a nonresident and registered in another state must be
31 issued a user permit in this state, which is valid for use on
32 only one snowmobile.

33 The bill provides that a snowmobile owned by the United
34 States, this state, or another state, or by a governmental
35 subdivision, is exempt from registration requirements in

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1 this state if the snowmobile is used for enforcement, search
2 and rescue, or official research and studies, but not for
3 recreational or commercial purposes. Current provisions for
4 the issuance of registration certificates and registration
5 decals for snowmobiles owned by the state of Iowa or its
6 political subdivisions are stricken.

7 The bill makes a technical change requiring that every
8 snowmobile be equipped with a headlight and a taillight, rather
9 than a headlamp and a tail lamp.

10 The bill prohibits a person from water skipping a snowmobile
11 on public water, except on rivers and streams during the period
12 between November 1 and April 1. A violation is a simple
13 misdemeanor punishable by a scheduled fine of \$100. "Water
14 skipping" is defined as the operation of a snowmobile on the
15 surface of water using the skis, track, and bottom surface of
16 the snowmobile for flotation while the snowmobile is in motion.

17 The bill makes technical changes to clarify language
18 relating to stop signal violations.

19 The bill increases the fee for a special registration
20 certificate from \$15 to \$45 for snowmobile manufacturers,
21 distributors, and dealers and extends the registration period
22 from one year to three years. Special registration certificate
23 renewals may be issued electronically. The bill provides
24 for the issuance of a special registration decal along with
25 the special registration certificate. The decal is to be
26 displayed on a snowmobile when it is being operated for
27 purposes of transporting, testing, demonstrating, or selling
28 the snowmobile. Duplicate special registration certificates
29 and decals may be issued electronically by a county recorder
30 and are subject to a fee of \$5 plus a writing fee of \$1.25.

31 Pursuant to current law, a safety certificate is required
32 for operation of a snowmobile on regulated land or ice by a
33 person under 18 years of age, and in addition, a person 12
34 to 15 years of age must be under the direct supervision of a
35 parent, guardian, or another adult authorized by the parent or

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1 guardian. The bill makes a terminology change by replacing the
2 existing "safety certificate" with an "education certificate"
3 throughout Code chapter 321G. In addition, the bill defines
4 "direct supervision" to mean providing supervision of another
5 person while maintaining visual and verbal contact at all
6 times. Currently, a person under 16 years of age must have
7 a safety certificate to operate a snowmobile on or across a
8 public highway. The bill extends the requirement to persons
9 under 18 years of age.

10 The bill authorizes the department to develop requirements
11 and standards for the provision of online education resulting
12 in the issuance of education certificates. A vendor must
13 enter into a memorandum of understanding with the department
14 to conduct such a course. Pursuant to the memorandum of
15 understanding, a vendor may charge a fee for the online course
16 and collect the education certificate fee on behalf of the
17 department.

18 The bill provides that when a serial number on a snowmobile
19 is destroyed or obliterated and the department assigns a
20 distinguishing number to the snowmobile, the department may
21 issue a special decal, rather than a plate, to be affixed to
22 the snowmobile and bearing the distinguishing number.

23 ALL-TERRAIN VEHICLE REGULATION. The bill makes numerous
24 revisions to Code chapter 321I, which provides for the
25 regulation of all-terrain vehicles by the department.

26 The bill amends the definition of "off-road utility
27 vehicle" to include tracked vehicles. In addition, the bill
28 provides that off-road utility vehicles are subject to dealer
29 registration and titling requirements applicable to other
30 all-terrain vehicles. Currently, registration and titling by
31 dealers is not required. The bill specifies that the operation
32 of off-road utility vehicles is subject to provisions governing
33 the operation of all-terrain vehicles both in statute and in
34 administrative rules.

35 The bill revises the definition of "designated riding trail"

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1 to include any public land, private land, or public ice that
2 has been designated by the department, a political subdivision,
3 or a controlling entity for all-terrain vehicle use. Various
4 Code sections are amended to include designated riding trails
5 within the scope of department regulations.

6 The bill defines "public ice" as any frozen, navigable
7 waters within the state and the marginal river areas adjacent
8 to the state, other than farm ponds, under the jurisdiction
9 of the natural resource commission. Various sections of Code
10 chapter 321I are amended to specify the defined term.

11 The bill defines "resident", for purposes of all-terrain
12 vehicle regulation, to mean the same as defined for purposes of
13 hunting and fishing licenses.

14 The bill specifies that the original application for
15 registration of an all-terrain vehicle must be filed with the
16 county recorder of the county of residence or if the owner is
17 a nonresident, in the county of primary use. If a transfer
18 of ownership occurs by operation of law, the application must
19 be filed in the transferee's county of residence. Duplicate
20 registrations and registration renewals may be accomplished
21 through a county recorder or a license agent. An all-terrain
22 vehicle owned by a nonresident and registered in another state
23 must be issued a user permit in this state, which is valid for
24 use on only one all-terrain vehicle.

25 The bill provides that an all-terrain vehicle owned
26 by the United States, this state, or another state, or by
27 a governmental subdivision, is exempt from registration
28 requirements in this state if the all-terrain vehicle
29 is used for enforcement, search and rescue, or official
30 research and studies, but not for recreational or commercial
31 purposes. Current provisions for the issuance of registration
32 certificates and registration decals for all-terrain vehicles
33 owned by the state of Iowa or its political subdivisions are
34 stricken.

35 The bill makes a technical change requiring that every

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1 all-terrain vehicle be equipped with a headlight and a
2 taillight, rather than a headlamp and a tail lamp.
3 The bill provides for the inclusion of motorcycles and
4 off-road utility vehicles in special events. Also, the
5 requirement that the department furnish a copy of the rules for
6 a special event to an applicant for the event is stricken.
7 The bill makes technical changes to clarify language
8 relating to a person who violates a stop signal from a peace
9 officer.
10 The bill increases the fee for a special registration
11 certificate from \$15 to \$45 for all-terrain vehicle
12 manufacturers, distributors, and dealers and extends the
13 registration period from one year to three years. Special
14 registration certificate renewals may be issued electronically.
15 The bill provides for the issuance of a special registration
16 decal along with the special registration certificate.
17 The decal is to be displayed on an all-terrain vehicle
18 when it is being operated for purposes of transporting,
19 testing, demonstrating, or selling the vehicle. Duplicate
20 special registration certificates and decals may be issued
21 electronically by a county recorder and are subject to a fee of
22 \$5 plus a writing fee of \$1.25.
23 Pursuant to current law, a safety certificate is required
24 for operation of an all-terrain vehicle on public land or ice
25 by a person between 12 and 18 years of age. The bill replaces
26 the "safety certificate" with an "education certificate"
27 throughout Code chapter 321I. The bill authorizes the
28 department to develop requirements and standards for the
29 provision of online education resulting in the issuance of
30 education certificates. A vendor must enter into a memorandum
31 of understanding with the department to conduct such a course.
32 Pursuant to the memorandum of understanding, a vendor may
33 charge a fee for the online course and collect the education
34 certificate fee on behalf of the department.
35 The bill provides that when a serial number on an all-terrain

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1 vehicle is destroyed or obliterated and the department assigns
2 a distinguishing number to the all-terrain vehicle, the
3 department may issue a special decal, rather than a plate,
4 to be affixed to the all-terrain vehicle and bearing the
5 distinguishing number.

6 Code section 461C.2(5) is amended to include all-terrain
7 vehicle riding among the public recreational purposes to be
8 encouraged on private land in the state.

9 WATERCRAFT EDUCATION COURSES AND CERTIFICATES. Code section
10 462A.2 is amended to include a definition of "watercraft
11 education certificate" that is issued to a qualified applicant
12 12 years of age or older. Code section 462A.12(6) is amended
13 to change the nomenclature for the requirements that must be
14 met by a person between 12 and 18 years of age to operate
15 certain watercraft without an adult in the watercraft. Such a
16 person is required to complete a department-approved watercraft
17 education, instead of safety, course and obtain a watercraft
18 education, instead of safety, certificate.

19 New Code section 462A.12A requires the department to
20 develop requirements and standards for vendors to offer online
21 watercraft education courses. Approved vendors may charge
22 a fee for the course and may also collect the watercraft
23 education certificate fee on behalf of the department as
24 provided in a memorandum of understanding with the department.

25 SPECIAL CERTIFICATES FOR WATERCRAFT DEALERS AND
26 MANUFACTURERS. Code section 462A.36 is amended to allow the
27 natural resource commission to adopt rules establishing minimum
28 requirements for special certificates to be issued, suspended,
29 or revoked for vessel dealers or manufacturers. In adopting
30 the rules, the commission shall consider the need to protect
31 persons, property, and the environment, and promote uniform
32 practices relating to the sale and use of vessels. The fee for
33 a special certificate is increased from \$15 to \$45.

34 Code section 462A.38 is amended to delete a requirement
35 that duplicate special certificates contain unique numbers

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1 or symbols and to increase the fee for additional duplicate
2 special certificates from \$2 to \$5, plus a writing fee of
3 \$1.25.

4 Code section 462A.39 is amended to provide that each special
5 certificate is issued for three years, expires on April 30 of
6 the last calendar year of the registration period, and may be
7 renewed for another three-year period upon application and
8 payment of a fee.

9 Code section 462A.40, requiring manufacturers or dealers
10 to keep written records of the vessels upon which special
11 certificates are used, and Code section 462A.42, requiring
12 dealers to furnish a list to the commission each year of all
13 used vessels held by them and for which registration has not
14 been paid, are repealed.

15 Code section 462A.46 is amended to delete a requirement that
16 when a dealer purchases or acquires a registered vessel, the
17 dealer must mail or deliver a copy of the original receipt
18 issued to the county recorder of the county where the vessel
19 is registered and to the natural resource commission within 48
20 hours.

21 Code section 462A.53 is amended to delete a limitation on
22 the writing fee collected by a county treasurer for two or more
23 functions transacted for the same vessel at one time. The bill
24 provides that the county treasurer shall collect a writing fee
25 of \$1.25 for each privilege relating to watercraft.



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Senate Study Bill 3051 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to the issuance of hunting and fishing licenses
2 and providing for fees.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 481A.72, Code 2011, is amended to read
2 as follows:

3 **481A.72 Hooks and lines.**

4 1. A person shall not at any time take from the waters
5 of the state any fish, except as otherwise provided in this
6 chapter, except with hook, line, and bait, nor shall a person
7 use more than ~~two~~ three lines nor more than two hooks on each
8 line in still fishing or trolling, and in fly fishing not more
9 than two flies may be used on one line, and in trolling and bait
10 casting not more than two trolling spoons or artificial bait
11 may be used on one line.

12 2. A person shall not leave fish line or lines and hooks in
13 the water unattended by being out of visual sight of the lines
14 and hooks.

15 3. One hook means a single, double, or treble pointed hook,
16 and all hooks attached as a part of an artificial bait or lure
17 shall be counted as one hook.

18 Sec. 2. Section 483A.1, Code 2011, is amended to read as
19 follows:

20 **483A.1 Licenses — fees.**

21 Except as otherwise provided in this chapter, a person
22 shall not fish, trap, hunt, pursue, catch, kill, take in any
23 manner, use, have possession of, sell, or transport all or a
24 part of any wild animal, bird, game, or fish, the protection
25 and regulation of which is desirable for the conservation of
26 resources of the state, without first obtaining a license for
27 that purpose and the payment of a fee as follows:

28 1. Residents:

29 a. Fishing license, annual \$ 17.00

30 b. Fishing license, three-year \$ 51.00

31 c. Fishing license, seven-day \$ 11.50

32 d. Fishing license, one-day \$ 7.50

33 e. Third line fishing permit, annual \$ 10.00

34 ~~b.~~ f. Fishing license, lifetime, sixty-five
35 years or older \$ 50.50

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1	e. <u>g.</u>	Hunting license, annual	\$ 17.00
2	<u>h.</u>	Hunting license, three-year, including	
3		the wildlife habitat fees	\$ 84.00
4	d. <u>i.</u>	Hunting license, lifetime, sixty-five	
5		years or older	\$ 50.50
6	<u>j.</u>	Combination hunting and fishing license,	
7		including the wildlife habitat fee, annual	\$ 60.00
8	e. <u>k.</u>	Deer hunting license	\$ 25.50
9	f. <u>l.</u>	Wild turkey hunting license	\$ 22.50
10	g. <u>m.</u>	Fur harvester license, sixteen years	
11		or older	\$ 20.50
12	h. <u>n.</u>	Fur harvester license, under sixteen	
13		years of age	\$ 5.50
14	i. <u>o.</u>	Fur dealer license	\$225.50
15	j. <u>p.</u>	Aquaculture unit license	\$ 25.50
16	k. <u>q.</u>	Retail bait dealer license	\$ 30.50
17	l.	Fishing license, seven-day	\$ 11.50
18	m. <u>r.</u>	Trout fishing fee	\$ 10.50
19	n. <u>s.</u>	Game breeder license	\$ 15.50
20	o. <u>t.</u>	Taxidermy license	\$ 15.50
21	p. <u>u.</u>	Falconry license	\$ 20.50
22	q. <u>v.</u>	Wildlife habitat fee	\$ 11.00
23	r. <u>w.</u>	Migratory game bird fee	\$ 8.00
24	s.	Fishing license, one-day	\$ 7.50
25	t. <u>x.</u>	Wholesale bait dealer license	\$125.00
26	u. <u>y.</u>	Boundary waters sport trotline	
27		license, annual	\$ 20.50
28	2.	Nonresidents:	
29	<u>a.</u>	Fishing license, annual	\$ 39.00
30	<u>b.</u>	Fishing license, seven-day	\$ 30.00
31	<u>c.</u>	Fishing license, three-day	\$ 15.50
32	<u>d.</u>	Fishing license, one-day	\$ 8.50
33	<u>e.</u>	Third line fishing permit, annual	\$ 10.00
34	c. <u>f.</u>	Hunting license, eighteen years of	
35		age or older	\$110.00

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1 ~~d.~~ g. Hunting license, under eighteen
2 years of age \$ 30.00
3 ~~e.~~ h. Deer hunting license, antlered or
4 any sex deer \$295.00
5 ~~f.~~ i. Preference point issued under
6 section 483A.7, subsection 3,
7 paragraph "b", or section 483A.8,
8 subsection 3, paragraph "e" \$ 50.00
9 ~~g.~~ j. Deer hunting license, antlerless
10 deer only, required with the purchase
11 of an antlered or any sex deer hunting
12 license \$125.00
13 ~~h.~~ k. Deer hunting license, antlerless
14 deer only \$225.00
15 ~~i.~~ l. Holiday deer hunting license
16 issued under section 483A.8, subsection 6,
17 antlerless deer only \$ 75.00
18 ~~j.~~ m. Wild turkey hunting license \$100.00
19 ~~k.~~ n. Fur harvester license \$200.00
20 ~~l.~~ o. Fur dealer license \$501.00
21 ~~m.~~ p. Location permit for fur dealers \$ 56.00
22 ~~n.~~ q. Aquaculture unit license \$ 56.00
23 ~~o.~~ r. Retail bait dealer license ~~or the~~ \$125.00
24 or the amount for the same type of license
25 in the nonresident's state,
26 is greater
27 s. Wholesale bait dealer license \$250.00
28 or the amount for the same type of
29 license in the nonresident's state,
30 whichever is greater
31 ~~p.~~ t. Trout fishing fee \$ 13.00
32 ~~q.~~ u. Game breeder license \$ 26.00
33 ~~r.~~ v. Taxidermy license \$ 26.00
34 ~~s.~~ w. Falconry license \$ 26.00
35 ~~t.~~ x. Wildlife habitat fee \$ 11.00

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1 ~~u.~~ y. Migratory game bird fee \$ 8.00
2 ~~v.~~ Fishing license, three-day \$ 15.50
3 ~~w.~~ Wholesale bait dealer license \$250.00
4 ~~or the amount for the same type of~~
5 ~~license in the nonresident's state,~~
6 ~~whichever is greater~~
7 ~~x.~~ Fishing license, one-day \$ 8.50
8 ~~y.~~ z. Boundary waters sport trotline
9 license, annual \$ 40.50
10 Sec. 3. Section 483A.3, Code 2011, is amended by adding the
11 following new subsection:
12 NEW SUBSECTION. 1A. A three-year hunting license purchased
13 pursuant to section 483A.1, subsection 1, paragraph "h",
14 includes the payment of a wildlife habitat fee for each of the
15 three years for which the license is valid and those fees shall
16 be used as provided in this section.
17 Sec. 4. Section 483A.3A, Code 2011, is amended to read as
18 follows:
19 **483A.3A Fish habitat development funding.**
20 Three dollars from each resident and nonresident annual and
21 seven-day fishing license and nine dollars from each resident
22 three-year fishing license sold shall be deposited in the
23 state fish and game protection fund and shall be used within
24 this state for fish habitat development. Not less than fifty
25 percent of this amount shall be used by the commission to enter
26 into agreements with county conservation boards to carry out
27 the purposes of this section.
28 Sec. 5. Section 483A.7, subsection 3, paragraph b, Code
29 2011, is amended to read as follows:
30 b. The commission shall assign one preference point to a
31 nonresident whose application for a nonresident wild turkey
32 hunting license is denied due to limitations on the number
33 of nonresident wild turkey hunting licenses available for
34 issuance that year. An additional preference point shall be
35 assigned to that person each subsequent year the person's

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1 license application is denied for that reason. A nonresident
2 may purchase additional preference points pursuant to section
3 483A.1, subsection 2, paragraph ~~"f"~~ "i". The first nonresident
4 wild turkey hunting license drawing each year shall be made
5 from the pool of applicants with the most preference points
6 and continue to pools of applicants with successively fewer
7 preference points until all available nonresident wild turkey
8 hunting licenses have been issued. If a nonresident applicant
9 receives a wild turkey hunting license, all of the applicant's
10 assigned preference points at that time shall be removed.

11 Sec. 6. Section 483A.8, subsection 3, paragraphs b and e,
12 Code Supplement 2011, are amended to read as follows:

13 b. A nonresident who purchases an antlered or any sex deer
14 hunting license pursuant to section 483A.1, subsection 2,
15 paragraph ~~"e"~~ "h", is required to purchase an antlerless deer
16 only deer hunting license at the same time, pursuant to section
17 483A.1, subsection 2, paragraph ~~"g"~~ "j".

18 e. The commission shall assign one preference point to a
19 nonresident whose application for a nonresident antlered or any
20 sex deer hunting license is denied due to limitations on the
21 number of nonresident antlered or any sex deer hunting licenses
22 available for issuance that year. An additional preference
23 point shall be assigned to that person each subsequent year
24 the person's license application is denied for that reason. A
25 nonresident may purchase additional preference points pursuant
26 to section 483A.1, subsection 2, paragraph ~~"f"~~ "i". The first
27 nonresident antlered or any sex deer hunting license drawing
28 each year shall be made from the pool of applicants with the
29 most preference points and continue to pools of applicants
30 with successively fewer preference points until all available
31 nonresident antlered or any sex deer hunting licenses have been
32 issued. If a nonresident applicant receives an antlered or
33 any sex deer hunting license, all of the applicant's assigned
34 preference points at that time shall be removed.

35 Sec. 7. Section 483A.9A, Code 2011, is amended by adding the

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1 following new subsection:

2 NEW SUBSECTION. 3. The commission shall offer to residents
3 a combination package of an annual fishing license and an
4 annual hunting license, as provided in section 483A.1,
5 subsection 1, the cost of which includes the wildlife habitat
6 fee and a one-year subscription to a magazine about Iowa's
7 natural resources.

8 Sec. 8. Section 483A.17, Code 2011, is amended to read as
9 follows:

10 **483A.17 Tenure of license.**

11 Every license, except as otherwise provided in this chapter,
12 is valid from the date issued to January 10 of the succeeding
13 calendar year for which it is issued. A license shall not be
14 issued prior to December 15 for the subsequent calendar year
15 except for a three-year fishing license or a three-year hunting
16 license issued to a resident pursuant to section 483A.1,
17 subsection 1.

18 Sec. 9. Section 483A.28, Code 2011, is amended by adding the
19 following new subsection:

20 NEW SUBSECTION. 4. Any person who is issued a valid fishing
21 license pursuant to this chapter may fish with a third line as
22 provided in section 481A.72 only upon the annual purchase of a
23 third line fishing permit as provided in section 483A.1.

24 **EXPLANATION**

25 This bill relates to the issuance of hunting and fishing
26 licenses.

27 Code section 481A.72 is amended to allow a person to use
28 three instead of two lines while fishing. Code section 483A.1
29 is amended to provide for the annual purchase of a third line
30 fishing permit costing \$10 by a resident or nonresident fisher.
31 Code section 483A.28 is amended to provide that a person who
32 fishes with a third line must annually purchase a third line
33 fishing permit.

34 Code section 483A.1 is also amended to provide for three
35 new license options for residents. A new three-year fishing

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1 license is available for residents at a cost of \$51. Code
2 section 483A.3A is amended to specify that \$9 from each
3 three-year fishing license must be used for fish habitat
4 development.

5 A new three-year hunting license, including the wildlife
6 habitat fees, is available for \$84. Code section 483A.3 is
7 amended to specify that of the \$84 for this license, \$33 is
8 allocated to wildlife habitat fees.

9 A new annual combination hunting and fishing license,
10 including the wildlife habitat fee, is available for \$60. Code
11 section 483A.9A specifies that the package includes an annual
12 fishing license, an annual hunting license, payment of the
13 wildlife habitat fee, and a one-year subscription to a magazine
14 about Iowa's natural resources.

15 Code section 483A.17 is amended to specify that a three-year
16 fishing license or a three-year hunting license is not subject
17 to the requirement that a license cannot be issued prior to
18 December 15 for the subsequent year.

19 Technical changes are also made to Code section 483A.1 to
20 group similar types of licenses together. Conforming changes
21 were made in Code sections 483A.7 and 483A.8.



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Senate Study Bill 3052 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
NATURAL RESOURCES BILL)

A BILL FOR

1 An Act relating to various recreation and conservation
2 activities under the purview of the department of natural
3 resources, providing for repeals, and making penalties
4 applicable.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 461A.35, Code 2011, is amended to read
2 as follows:

3 **461A.35 Prohibited destructive acts.**

4 1. It shall be unlawful for any person to use, enjoy
5 the privileges of, destroy, injure, or deface plant life,
6 trees, buildings, or other natural or material property, or
7 to construct or operate for private or commercial purposes
8 any structure, or to remove any plant life, trees, buildings,
9 sand, gravel, ice, earth, stone, wood, or other natural
10 material, or to operate vehicles, within the boundaries of
11 any state park, preserve, or stream or any other lands or
12 waters under the jurisdiction of the commission for any purpose
13 whatsoever, except upon the terms, conditions, limitations, and
14 restrictions as set forth by the commission.

15 2. A person who violates this section commits a simple
16 misdemeanor, punishable as a scheduled violation pursuant to
17 section 805.8B, subsection 6, paragraph "c".

18 Sec. 2. Section 461A.42, subsection 2, Code 2011, is amended
19 to read as follows:

20 2. The use of fireworks, as defined in section 727.2, in
21 state parks and preserves is prohibited except as authorized
22 by a permit issued by the department. The commission shall
23 establish, by rule adopted pursuant to chapter 17A, a fireworks
24 permit system which authorizes the issuance of a limited number
25 of permits to qualified persons to use or display fireworks in
26 selected state parks and preserves.

27 3. A person violating this subsection section is guilty of a
28 simple misdemeanor punishable as a scheduled violation pursuant
29 to section 805.8B, subsection 6, paragraph "c". In addition
30 to any other penalties, the punishment imposed for a violation
31 of this subsection shall include assessment of a fine of not
32 less than two hundred fifty dollars. The court shall order
33 restitution if any damages were caused by the violation which
34 may include, but is not limited to, community service.

35 Sec. 3. Section 461A.57, Code 2011, is amended to read as

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1 follows:

2 **461A.57 Penalties.**

3 Any person violating any of the provisions of sections
4 ~~461A.35~~ 461A.36 to 461A.41, 461A.43, and 461A.45 to 461A.56 is
5 guilty of a simple misdemeanor.

6 Sec. 4. Section 481A.1, subsection 7, Code 2011, is amended
7 to read as follows:

8 7. "*Bait*" includes, but is not limited to, minnows, green
9 sunfish, orange-spotted sunfish, gizzard shad, frogs, crayfish,
10 and salamanders, ~~and mussels~~.

11 Sec. 5. Section 481A.6A, subsection 1, Code 2011, is amended
12 to read as follows:

13 1. As used in this section, "*pen-reared pheasant*" means a
14 Chinese ring-necked pheasant (*Phasianus colchicus torquatus*)
15 which originates from a captive population and which has
16 been propagated and held by a hatchery. For the purposes of
17 this section "*pen-reared pheasant*" does not include a Reeves
18 (*Syrnaticus reevesii*) or Lady Amherst (*Chrysolophus amherstiae*)
19 pheasant, a subspecies of the Chinese ring-necked pheasant
20 such as a Japanese (*Phasianus versicolor*) or a Black-necked (*P.*
21 *colchicus colchicus*) pheasant, or a melanistic mutant (black,
22 white, or other color mix) of the Chinese ring-necked pheasant.

23 Sec. 6. NEW SECTION. **481A.17 Target shooting sports**
24 **program.**

25 The department shall establish a target shooting sports
26 program to promote recreational target shooting sports. The
27 purposes of the program shall be to introduce more Iowans
28 to target shooting sports, promote existing target shooting
29 programs, provide more target shooting facilities, and improve
30 existing target shooting facilities. The commission may adopt
31 rules to achieve these purposes.

32 Sec. 7. Section 481A.142, subsection 5, paragraph a, Code
33 2011, is amended to read as follows:

34 a. Sell bait, including minnows, and frogs, ~~and clams~~,
35 propagated or raised within the licensed unit without having

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1 to obtain a bait dealer's license. However, aquaculture units
2 wishing to take bait from areas other than their licensed units
3 must also obtain a bait dealer's license.

4 Sec. 8. Section 481A.144, subsection 1, Code 2011, is
5 amended to read as follows:

6 1. A person shall not sell minnows, frogs, crayfish, or
7 salamanders, ~~and mussels~~ for fish bait without first obtaining
8 a bait dealer's license from the department upon payment
9 of the license fee. A licensee shall comply with all laws
10 pertaining to taking, possessing, and selling of bait handled
11 by the licensee. If convicted of violating a provision of this
12 chapter or a rule adopted pursuant to this chapter, a licensee
13 shall forfeit the licensee's bait dealer license upon demand of
14 the director.

15 Sec. 9. Section 482.2, subsections 3, 7, 10, and 11, Code
16 2011, are amended to read as follows:

17 3. "*Commercial fisher*" means a person who is licensed by
18 the state to take, attempt to take, possess, transport, sell,
19 barter, or trade ~~turtles or turtle eggs~~, commercial fish except
20 roe species, or fish parts except roe. A commercial fisher may
21 take, possess, transport, or sell turtles or turtle eggs.

22 7. "*Commercial roe harvester*" means a person who is licensed
23 by the state to engage in the harvest and sale, but not barter,
24 or trade, of roe and roe species.

25 10. "*Commercial turtle harvester*" means a person who is
26 licensed by the state to take, attempt to take, possess,
27 transport, and sell, but not barter, or trade, commercial
28 turtles or turtle eggs.

29 11. "*Commercial turtle harvesting*" means taking, attempting
30 to take, possessing, or transporting of commercial turtles or
31 turtle eggs for the purpose of selling, ~~bartering, trading,~~
32 offering, or exposing for sale, but not bartering or trading.

33 Sec. 10. Section 482.4, subsection 3, Code 2011, is amended
34 to read as follows:

35 3. Commercial fishers and commercial turtle harvesters

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1 shall ~~purchase gear tags from the commission to be affixed~~
2 provide and affix weather-resistant gear tags to each piece
3 of gear in use. ~~Notwithstanding the fee rates for gear tags~~
4 ~~under subsection 6, the minimum fee is five dollars. All~~
5 ~~tags are valid for ten years from the date of issue. In~~
6 ~~addition to the gear tags, all gear shall be tagged with a~~ Each
7 weather-resistant gear tag showing shall plainly show the name
8 and, address, and commercial license number of the licensee and
9 whether the gear is fish or turtle gear.

10 Sec. 11. Section 482.4, subsection 4, Code 2011, is amended
11 by striking the subsection.

12 Sec. 12. Section 482.4, subsection 6, Code 2011, is amended
13 by striking the subsection and inserting in lieu thereof the
14 following:

15 6. Commercial fish and turtle gear tags are required on the
16 following units of commercial gear:

- 17 a. Seine.
- 18 b. Trammel net.
- 19 c. Gill net.
- 20 d. Entrapment nets.
- 21 e. Commercial trotline.
- 22 f. Commercial turtle trap.

23 Sec. 13. Section 482.4, subsection 7, Code 2011, is amended
24 by striking the subsection.

25 Sec. 14. Section 482.11, subsection 1, paragraph a, Code
26 2011, is amended to read as follows:

27 a. A commercial turtle harvester license is required to
28 operate commercial gear and to take, attempt to take, possess,
29 transport, or sell, ~~barter, or trade~~ commercial turtles or
30 turtle eggs. Nonresident commercial turtle harvesters shall
31 harvest commercial turtles only from the boundary waters.

32 Sec. 15. Section 482.14, subsection 3, Code 2011, is amended
33 to read as follows:

34 3. Commercial turtle harvesters shall utilize a dated
35 receipt with at least two parts, with one original and one

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1 copy of each receipt, that contains the species, number, and
2 pounds of turtles sold, ~~bartered, or traded~~. Commercial turtle
3 harvesters shall retain a copy of each receipt for five years
4 following the transaction. A purchaser of commercial turtles
5 shall retain a copy of the receipt for as long as the purchaser
6 is in possession of the turtles.

7 Sec. 16. Section 483A.1, subsection 2, paragraph s, Code
8 2011, is amended by striking the paragraph.

9 Sec. 17. Section 805.8B, subsection 6, paragraph c, Code
10 2011, is amended to read as follows:

11 c. For violations of ~~section~~ sections 461A.35, 461A.42, and
12 461A.44, the scheduled fine is fifty dollars.

13 Sec. 18. REPEAL. Chapter 568, Code and Code Supplement
14 2011, is repealed.

15 EXPLANATION

16 This bill relates to various recreation and conservation
17 activities under the purview of the department of natural
18 resources, provides for repeals, and makes penalties
19 applicable.

20 Code section 461A.35 is amended to provide that a person who
21 commits certain destructive acts on state parks, preserves,
22 or other lands or waters under the control of the natural
23 resource commission commits a simple misdemeanor, punishable
24 as a scheduled violation with a fine of \$50 pursuant to Code
25 section 805.8B(6)(c). Currently, such an offense is punishable
26 as a simple misdemeanor.

27 Code section 461A.42(2) is amended to provide that a
28 person who violates prohibitions against the use of firearms,
29 explosives, weapons, and fireworks in state parks and
30 preserves commits a simple misdemeanor, punishable as a
31 scheduled violation with a fine of \$50 pursuant to Code
32 section 805.8B(6)(c). Currently, a violation of the weapon and
33 firearms prohibitions is punishable as a simple misdemeanor.
34 A violation of the fireworks prohibition is punishable
35 as a simple misdemeanor with a minimum fine of \$250 and a



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1 requirement of restitution if any damages were caused by the
2 violation, which may include but is not limited to community
3 service.

4 Code section 461A.57 is amended to coordinate with the
5 changes to 461A.35 and 461A.42.

6 Code section 481A.1(7) is amended to remove mussels from the
7 definition of bait.

8 Code section 481A.6A(1) is amended to specify that a
9 "*pen-reared pheasant*" that can be obtained by owners or tenants
10 of land from a hatchery and raised or released on that person's
11 land includes only a Chinese ring-necked pheasant and does not
12 include other specified types of pheasants.

13 New Code section 481A.17 authorizes the department to
14 establish a target shooting sports program to promote
15 recreational target shooting sports and to adopt rules to
16 achieve the specified purposes of the program.

17 Code section 481A.142 is amended to provide that a holder of
18 an aquaculture unit license cannot sell clams as bait.

19 Code section 481A.144 is amended to provide that a licensed
20 bait dealer cannot sell mussels for fish bait.

21 Code section 482.2 is amended to provide that a licensed
22 commercial fisher is not allowed to barter or trade turtles
23 or turtle eggs, a licensed commercial roe harvester is not
24 allowed to barter or trade roe and roe species, and a licensed
25 commercial turtle harvester is not allowed to barter or trade
26 commercial turtles or turtle eggs.

27 Code section 482.4(3) is amended to require commercial
28 fishers and commercial turtle harvesters to provide and
29 affix weather-resistant gear tags to each piece of gear in
30 use instead of purchasing the tags from the natural resource
31 commission. Each gear tag must plainly show the name, address,
32 and commercial license number of the licensee and whether the
33 gear is fish or turtle gear.

34 Code section 482.4(4) providing that all numbered fish gear
35 tags are interchangeable among the different types of gear is

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1 stricken.
2 Code section 482.4(6) and (7) are amended to delete fees for
3 gear tags required on the specified units of commercial gear.
4 Code section 482.11(1)(a) is amended by deleting language
5 indicating that a commercial turtle harvester licensee
6 can barter or trade commercial turtles or turtle eggs. A
7 coordinating amendment is made in Code section 482.14(3).
8 Code section 483A.1(2)(s) providing for the sale of a
9 falconry license to nonresidents is stricken.
10 Code chapter 568, which authorizes the sale of certain
11 islands and abandoned river channels, is repealed.



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Senate Study Bill 3053 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to the supervision of physician assistants.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 148C.3, subsection 2, Code 2011, is
2 amended to read as follows:
3 2. Rules shall be adopted by the board pursuant to this
4 chapter requiring a licensed physician assistant to be
5 supervised by physicians. The rules shall provide that not
6 more than ~~two~~ five physician assistants shall be supervised by
7 a physician at one time. The rules shall also provide that
8 a physician assistant shall notify the board of the identity
9 of the physician assistant's supervising physician and of any
10 change in the status of the supervisory relationship.

11 EXPLANATION

12 Under current law, a physician assistant must work under
13 the supervision of a licensed physician, and a licensed
14 physician is allowed to supervise no more than two physician
15 assistants at one time. This bill allows a licensed physician
16 to supervise up to five physician assistants at one time.

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Senate Study Bill 3054 - Introduced

SENATE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON RAGAN)

A BILL FOR

1 An Act relating to allowing financial supplementation to
2 a nursing facility for provision of a private room to a
3 recipient of medical assistance.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 5481XC (3) 84
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1 Section 1. Section 249A.4, Code 2011, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 9A. a. Recommend to the council on human
4 services the adoption of rules allowing supplementation of the
5 combination of client participation and payment made through
6 the medical assistance program, by the resident of a nursing
7 facility or the resident's family, for provision of a private
8 room not otherwise covered under the medical assistance program
9 unless:

10 (1) The private room is therapeutically required pursuant
11 to 42 C.F.R. § 483.10(c)(8)(ii).

12 (2) No room other than the private room is available.

13 b. The rules shall require all of the following if a nursing
14 facility provides for such supplementation:

15 (1) The nursing facility shall inform all current and
16 prospective residents and residents' legal representatives of
17 the following:

18 (a) If the resident desires a private room, the resident
19 or resident's family may provide supplementation by directly
20 paying the facility the amount of supplementation.

21 (b) The nursing facility's policy if a resident residing
22 in a private room converts from private pay to payment under
23 the medical assistance program, but the resident or resident's
24 family is not willing or able to pay supplementation for the
25 private room.

26 (c) The private rooms for which supplementation is
27 required.

28 (d) The process for an individual to take legal
29 responsibility for providing supplementation, including
30 identification of the individual and the extent of the legal
31 responsibility.

32 (2) For residents for whom the nursing facility receives
33 supplementation, the nursing facility shall indicate in the
34 resident's record all of the following:

35 (a) Identification of the private room for which the nursing

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1 facility is receiving supplementation.

2 (b) The identity of the individual making the supplemental
3 payments.

4 (c) The amount of the supplemental payment.

5 (d) The private pay charge for the private room for which
6 the nursing facility is receiving the supplemental payment.

7 (3) If the nursing facility only provides one type of
8 room or all private rooms, the nursing facility shall not be
9 eligible to request supplementation.

10 (4) A nursing facility may base the supplementation amount
11 on the difference between the amount paid for a room covered
12 under the medical assistance program and the private pay rate
13 for the private room identified for supplementation. However,
14 the total payment for the private room from all sources
15 shall be the lesser of the private room rate or not more than
16 two times the rate for the room covered under the medical
17 assistance program for which the resident would be eligible.

18 EXPLANATION

19 This bill directs the director of human services to
20 recommend to the council on human services the adoption of
21 rules allowing supplementation under the medical assistance
22 program, by the resident of a nursing facility or the
23 resident's family, for provision of a private room not
24 otherwise covered under the medical assistance program.
25 Supplementation is not available if the private room is
26 therapeutically required under federal regulations or no room
27 other than the private room is available. The bill specifies
28 what the rules are to require if a nursing facility provides
29 for supplementation and the information to be included in
30 the resident's record if supplementation is received by
31 the nursing facility. The rules are to provide that if the
32 nursing facility only provides one type of room or all private
33 rooms, the nursing facility shall not be eligible to request
34 supplementation and also provides for limitation of the amount
35 of supplementation that a nursing facility may accept.

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Senate Study Bill 3055 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED ATTORNEY GENERAL
BILL)

A BILL FOR

1 An Act relating to crime victims, including restitution plan
2 hearings, crime victim compensation, and the identity theft
3 passport program.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 715A.9A, subsection 1, paragraph a, Code
2 2011, is amended to read as follows:

3 a. Is a victim of identity theft in this state as described
4 in section 715A.8 or is a resident of this state who is a victim
5 of identity theft.

6 Sec. 2. Section 910.7, subsections 2 and 3, Code 2011, are
7 amended to read as follows:

8 2. After a petition has been filed, the court, at any time
9 prior to the expiration of the offender's sentence, provided
10 the required notice has been given pursuant to subsection
11 3, may hold a hearing and modify the plan of restitution or
12 the restitution plan of payment, or both, and may extend
13 the period of time for the completion of restitution. If a
14 hearing involving the crime victim compensation program is
15 conducted, an employee of the crime victim compensation program
16 or the attorney for the crime victim compensation program may
17 participate by telephone.

18 3. If a petition related to a plan of restitution has
19 been filed, the offender, the county attorney, the department
20 of corrections if the offender is currently confined in a
21 correctional institution, the office or individual who prepared
22 the offender's restitution plan, other witnesses, and the
23 victim shall receive notice prior to any hearing under this
24 section.

25 Sec. 3. Section 915.80, subsection 2, Code 2011, is amended
26 to read as follows:

27 2. a. "Crime" means any of the following:

28 (1) ~~conduct~~ Conduct that occurs or is attempted in this
29 state, poses a substantial threat of personal injury or death,
30 and is punishable as a felony or misdemeanor, or would be so
31 punishable but for the fact that the person engaging in the
32 conduct lacked the capacity to commit the crime under the laws
33 of this state.

34 (2) A violation of section 715A.8.

35 (3) The financial exploitation of a person who is sixty-five

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1 years of age or older or is a dependent adult as defined
2 in section 235B.2. For the purposes of this subparagraph,
3 "financial exploitation" means the criminal act or process of
4 taking unfair advantage of a person for one's own personal or
5 pecuniary profit, without the informed consent of the person,
6 including theft, by the use of undue influence, harassment,
7 duress, deception, false representation, false pretenses,
8 forgery, fraudulent practices, or securities fraud.
9 b. "Crime" does not include conduct arising out of the
10 ownership, maintenance, or use of a motor vehicle, motorcycle,
11 motorized bicycle, train, boat, or aircraft except for
12 violations of section 321.261, 321.277, 321J.2, 462A.7,
13 462A.12, 462A.14, or 707.6A, or when the intention is to cause
14 personal injury or death.
15 c. A license revocation under section 321J.9 or 321J.12
16 shall be considered by the department as evidence of a
17 violation of section 321J.2 for the purposes of this
18 subchapter. A license suspension or revocation under section
19 462A.14, 462A.14B, or 462A.23 shall be considered by the
20 department as evidence of a violation of section 462A.14 for
21 the purposes of this subchapter.
22 Sec. 4. Section 915.80, Code 2011, is amended by adding the
23 following new subsection:
24 NEW SUBSECTION. 4A. "Homicide victim survivor" means any
25 of the following:
26 a. A homicide victim's spouse, parent, child, grandparent,
27 aunt, uncle, niece, nephew, sibling, grandchild, first cousin,
28 great-grandparent, great-aunt, great-uncle, great-niece,
29 great-nephew, great-grandchild, fiancée, legal custodian,
30 legal ward, legal guardian, step-parent, step-child,
31 step-sibling, step-grandparent, step-aunt, step-uncle,
32 step-grandchild, step-niece, step-nephew, step-first-cousin,
33 step-great-grandchild, step-great-grandparent, foster child,
34 foster parent, foster sibling, brother-in-law, sister-in-law,
35 mother-in-law, father-in-law, daughter-in-law, son-in-law,



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1 step-brother-in-law, step-sister-in-law, step-mother-in-law,
2 step-father-in-law, step-daughter-in-law, or step-son-in-law.

3 **b.** The spouses of persons identified in paragraph “a”.

4 **c.** A former intimate partner of a homicide victim who has
5 legal guardianship of the victim’s children.

6 **d.** A person cohabiting with a homicide victim at the time
7 of the crime.

8 Sec. 5. Section 915.86, subsections 3, 4, 9, 10, 13, 14, and
9 15, Code Supplement 2011, are amended to read as follows:

10 3. Loss of reasonable income from work that ~~the victim’s~~
11 ~~parent or caretaker~~ a secondary victim would have performed and
12 for which ~~the victim’s parent or caretaker~~ a secondary victim
13 would have received remuneration ~~for up to three days after~~
14 ~~the crime or the discovery of the crime~~ to allow ~~the victim’s~~
15 ~~parent or caretaker~~ a secondary victim to assist the victim
16 and when ~~the victim’s parent or caretaker~~ a secondary victim
17 accompanies the victim to medical and counseling services,
18 not to exceed one thousand dollars per ~~parent or caretaker~~
19 secondary victim.

20 4. Loss of reasonable income from work that the victim, ~~the~~
21 ~~victim’s parent or caretaker, or the survivor of a homicide~~
22 ~~victim as described in subsection 10~~ a secondary victim, or a
23 homicide victim survivor would have performed and for which
24 that person would have received remuneration, where the loss of
25 income is a direct result of cooperation with the investigation
26 and prosecution of the crime or attendance at medical or
27 counseling services, funerals, or criminal justice proceedings
28 including the trial and sentencing in the case, not to exceed
29 one thousand dollars per person.

30 9. In the event of a homicide, reasonable charges incurred
31 for health care for ~~the victim’s spouse, child, foster child,~~
32 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
33 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
34 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
35 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~

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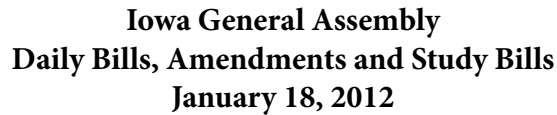
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1 ~~with the victim,~~ a homicide victim survivor, not to exceed
2 three thousand dollars per homicide victim survivor.
3 10. In the event of a homicide, loss of reasonable income
4 from work that, but for the death of the victim, would have
5 been earned by ~~the victim's spouse, child, foster child,~~
6 ~~stepchild, son-in-law, or daughter-in-law; parent, foster~~
7 ~~parent, or stepparent; sibling, foster sibling, stepsibling,~~
8 ~~brother-in-law, or sister-in-law; grandparent; grandchild;~~
9 ~~aunt, uncle, or first cousin; legal ward; or person cohabiting~~
10 ~~with the victim~~ a homicide victim survivor, not to exceed six
11 thousand dollars per homicide victim survivor.
12 13. Reasonable dependent care expenses incurred by the
13 victim, ~~the victim's parent or caretaker, or the survivor of~~
14 ~~a homicide victim as described in subsection 10~~ a secondary
15 victim, or a homicide victim survivor for the care of
16 dependents while attending medical or counseling services,
17 funerals, or criminal justice proceedings ~~or medical or~~
18 ~~counseling services~~ including the trial and sentencing in the
19 case, not to exceed one thousand dollars per person.
20 14. Reasonable expenses incurred by a victim, ~~the victim's~~
21 ~~parent or caretaker, or the survivor of a homicide victim as~~
22 ~~described in subsection 10~~ a secondary victim, or a homicide
23 victim survivor to replace or install locks, windows, and other
24 residential security items at the victim's or homicide victim
25 survivor's residence or at the residential scene of a crime,
26 not to exceed five hundred dollars per residence.
27 15. Reasonable expenses incurred by the victim, a secondary
28 victim, ~~the parent or guardian of a victim, or the survivor of~~
29 ~~a homicide victim as described in subsection 10~~ or a homicide
30 victim survivor for transportation to medical, or counseling
31 services, funeral funerals, or criminal justice proceedings
32 including the trial and sentencing in the case, not to exceed
33 one thousand dollars per person.
34 Sec. 6. Section 915.87, Code 2011, is amended by adding the
35 following new subsection:

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1 NEW SUBSECTION. 3. Compensation shall not be made to a
2 secondary victim or a homicide victim survivor if the victim
3 is ineligible for compensation.
4 Sec. 7. Section 915.94, Code 2011, is amended to read as
5 follows:
6 **915.94 Victim compensation fund.**
7 1. A victim compensation fund is established as a separate
8 fund in the state treasury. Moneys deposited in the fund shall
9 be administered by the department and dedicated to and used
10 for the purposes of section 915.41 and this subchapter. In
11 addition, the department may use moneys from the fund for ~~the~~
12 ~~purpose of the~~ following:
13 a. The department's prosecutor-based victim service
14 coordination, including the duties defined in sections 910.3
15 and 910.6 and this chapter ~~7~~.
16 b. ~~and for the~~ To award of funds to programs that provide
17 services and support to victims of domestic abuse or sexual
18 assault as provided in chapter 236, to victims under section
19 710A.2, and for the support of an automated victim notification
20 system established in section 915.10A.
21 c. To implement the identity theft passport program
22 established by rule pursuant to section 715A.9A.
23 2. The department may also use up to one hundred thousand
24 dollars from the fund to provide training for victim service
25 providers.
26 3. Notwithstanding section 8.33, any balance in the fund on
27 June 30 of any fiscal year shall not revert to the general fund
28 of the state.

33 The bill allows for the issuance of an identity theft
34 passport to a person who is a resident of Iowa who is the
35 subject of identity theft outside of Iowa, in addition to

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1 victims of identity theft in Iowa.

2 The bill provides that if a hearing involving the crime
3 victim compensation program is conducted, an employee of the
4 crime victim compensation program of the department of justice
5 or the program's attorney may participate in the hearing by
6 telephone. The bill includes witnesses in the list of persons
7 and entities who shall receive notice that a petition relating
8 to a plan of restitution has been filed.

9 The bill expands the definition of a "crime" for purposes of
10 the crime victim compensation program to include a violation
11 of Code section 715A.8 (identity theft) and the financial
12 exploitation of a person who is 65 or older or who is a
13 dependent adult as defined in Code section 235B.2. "Financial
14 exploitation" means the criminal act or process of taking
15 unfair advantage of a person for one's own personal or
16 pecuniary profit, without the informed consent of the person,
17 including theft, by the use of undue influence, harassment,
18 duress, deception, false representation, false pretenses,
19 forgery, fraudulent practices, or securities fraud.

20 The bill distinguishes two categories of persons who are
21 eligible for compensation for economic losses incurred as a
22 direct result of an injury to or death of a victim: a "homicide
23 victim survivor" (defined in the bill) and a "secondary victim"
24 (defined in Code section 915.80).

25 The bill specifies that a loss of income due to missed work
26 days for various categories of persons who may be awarded crime
27 victim compensation shall be computed based upon the loss of
28 reasonable income. The bill includes an award of compensation
29 for such income for missed work days that the victim, secondary
30 victim, or a homicide victim survivor would have performed
31 where the loss of income is due to attendance at medical or
32 counseling services or funerals, in addition to current law
33 which allows compensation in such cases for attendance at
34 criminal justice proceedings. The bill also includes an award
35 of compensation for reasonable dependent care expenses incurred

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1 by a victim, secondary victim, or a homicide survivor due to
2 attendance at funerals.

3 The bill provides that compensation shall not be made to a
4 secondary victim or a homicide victim survivor if the victim
5 is ineligible for compensation.

6 The bill allows moneys from the victim compensation fund
7 to be used to implement the identity theft passport program
8 established by rule pursuant to Code section 715A.9A.



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Senate Study Bill 3056 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC HEALTH BILL)

A BILL FOR

1 An Act relating to the Iowa health information network,
2 providing for fees, and including effective date provisions.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:



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1 Section 1. Section 135.154, Code 2011, is amended by adding
2 the following new subsections:
3 NEW SUBSECTION. 01. "*Advisory council*" means the electronic
4 health information advisory council created in section 135.156.
5 NEW SUBSECTION. 001. "*Authorized*" means having met the
6 requirements as a participant for access to and use of the Iowa
7 health information network.
8 NEW SUBSECTION. 2A. "*Exchange*" means the authorized
9 electronic sharing of health information between health care
10 professionals, payors, consumers, public health agencies, the
11 department, and other authorized participants utilizing the
12 Iowa health information network and Iowa health information
13 network services.
14 NEW SUBSECTION. 2B. "*Executive committee*" means the
15 executive committee of the electronic health information
16 advisory council created in section 135.156.
17 NEW SUBSECTION. 3A. "*Health information*" means any
18 information, in any form or medium, that is created,
19 transmitted, or received by a health care professional, payor,
20 consumer, public health agency, the department, or other
21 authorized participant, which relates to the past, present, or
22 future physical or mental health or condition of an individual;
23 the provision of health care to an individual; or the past,
24 present, or future payment for the provision of health care to
25 an individual.
26 NEW SUBSECTION. 4A. "*Health Insurance Portability and*
27 *Accountability Act*" means the federal Health Insurance
28 Portability and Accountability Act of 1996, Pub. L. No.
29 104-191, including amendments thereto and regulations
30 promulgated thereunder.
31 NEW SUBSECTION. 5A. "*Iowa health information network*" or
32 "*network*" means the statewide health information technology
33 network created in this division.
34 NEW SUBSECTION. 5B. "*Iowa Medicaid enterprise*" means the
35 Iowa Medicaid enterprise as defined in section 249J.3.



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1 NEW SUBSECTION. 5C. "*Participant*" means an authorized
2 health care professional, payor, patient, health care
3 organization, public health agency, or the department that
4 has agreed to authorize, submit, access, or disclose health
5 information through the Iowa health information network in
6 accordance with this chapter and all applicable laws, rules,
7 agreements, policies, and standards.
8 NEW SUBSECTION. 5D. "*Patient*" means a person who has
9 received or is receiving health services from a health care
10 professional.
11 NEW SUBSECTION. 5E. "*Payor*" means a person who makes
12 payments for health services, including but not limited to an
13 insurance company, self-insured employer, government program,
14 individual, or other purchaser that makes such payments.
15 NEW SUBSECTION. 5F. "*Protected health information*" means
16 individually identifiable information, including demographic
17 information, related to the past, present, or future health
18 or condition of a person; the provision of health care to
19 a person; or the past, present, or future payment for such
20 health care; which is created, transmitted, or received by a
21 participant. "*Protected health information*" does not include
22 education or other records that are covered under the federal
23 Family Educational Rights and Privacy Act of 1974, as codified
24 at 20 U.S.C. § 1232g, as amended; or any employment records
25 maintained by a covered entity, as defined under the Health
26 Insurance Portability and Accountability Act, in its role as
27 an employer.
28 NEW SUBSECTION. 5G. "*Public health agency*" means an
29 entity that is governed by or contractually responsible to a
30 local board of health or the department to provide services
31 focused on the health status of population groups and their
32 environments.
33 NEW SUBSECTION. 5H. "*Purchaser*" means any individual,
34 employer, or organization that purchases health insurance or
35 services and includes intermediaries.



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1 Sec. 2. Section 135.155, subsection 2, unnumbered paragraph
2 1, Code 2011, is amended to read as follows:

3 To be effective, the Iowa health information ~~technology~~
4 ~~system network~~ shall comply with all of the following
5 principles:

6 Sec. 3. Section 135.155, subsection 3, Code 2011, is amended
7 to read as follows:

8 3. Widespread adoption of health information technology is
9 critical to a successful Iowa health information ~~technology~~
10 ~~system network~~ and is best achieved when all of the following
11 occur:

12 a. The market provides a variety of certified products from
13 which to choose in order to best fit the needs of the user.

14 b. The ~~system network~~ provides incentives for health care
15 professionals to utilize the health information technology and
16 provides rewards for any improvement in quality and efficiency
17 resulting from such utilization.

18 c. The ~~system network~~ provides protocols to address critical
19 problems.

20 d. The ~~system network~~ is financed by all who benefit from
21 the improved quality, efficiency, savings, and other benefits
22 that result from use of health information technology.

23 Sec. 4. NEW SECTION. 135.155A Findings and intent — Iowa
24 health information network.

25 1. The general assembly finds all of the following:

26 a. Technology used to support health care-related functions
27 is known as health information technology. Health information
28 technology provides a mechanism to transform the delivery of
29 health and medical care in Iowa and across the nation.

30 b. A health information network involves the secure
31 electronic sharing of health information across the boundaries
32 of individual practice and institutional health settings and
33 with consumers. Broad use of health information technology and
34 a health information network should improve health care quality
35 and the overall health of the population, increase efficiencies



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1 in administrative health care, reduce unnecessary health care
2 costs, and help prevent medical errors.

3 2. It is the intent of the general assembly that Iowa
4 establish a statewide health information technology network.
5 The Iowa health information network shall not constitute a
6 health benefit network or a health insurance network. Nothing
7 in this division shall be interpreted to impede or preclude the
8 formation and operation of regional, population-specific, or
9 local health information networks or their participation in the
10 Iowa health information network.

11 Sec. 5. Section 135.156, subsection 1, paragraphs a and b,
12 Code Supplement 2011, are amended to read as follows:

13 a. The department shall direct a public and private
14 collaborative effort to promote the adoption and use of health
15 information technology in this state in order to improve
16 health care quality, increase patient safety, reduce health
17 care costs, enhance public health, and empower individuals
18 and health care professionals with comprehensive, real-time
19 medical information to provide continuity of care and make
20 the best health care decisions. The department shall provide
21 coordination for the development and implementation of an
22 interoperable electronic health records system, telehealth
23 expansion efforts, the health information technology
24 infrastructure, the Iowa health information network, and other
25 health information technology initiatives in this state.
26 The department shall be guided by the principles and goals
27 specified in section 135.155 and the findings and intent
28 specified for an Iowa health information network in section
29 135.155A.

30 b. All health information technology efforts shall endeavor
31 to represent the interests and meet the needs of consumers and
32 the health care sector, protect the privacy of individuals
33 and the confidentiality of individuals' information, promote
34 physician best practices, and make information easily
35 accessible to the appropriate parties. The ~~system~~ network



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1 developed shall be consumer-driven, flexible, and expandable.

2 Sec. 6. Section 135.156, subsection 2, paragraph a, Code
3 Supplement 2011, is amended to read as follows:

4 a. An electronic health information advisory council is
5 established which shall consist of the representatives of
6 entities involved in the electronic health records system task
7 force established pursuant to section 217.41A, Code 2007, a
8 pharmacist, a licensed practicing physician, a consumer who
9 is a member of the state board of health, a representative
10 of the state's Medicare quality improvement organization,
11 the executive director of the Iowa communications network, a
12 representative of the private telecommunications industry, a
13 representative of the Iowa collaborative safety net provider
14 network created in section 135.153, a nurse informaticist from
15 the university of Iowa, and any other members the department
16 or executive committee of the advisory council determines
17 necessary and appoints to assist the department or executive
18 committee at various stages of development of the ~~electronic~~
19 Iowa health information system network. Executive branch
20 agencies shall also be included as necessary to assist in the
21 duties of the department and the executive committee. Public
22 members of the advisory council shall receive reimbursement
23 for actual expenses incurred while serving in their official
24 capacity only if they are not eligible for reimbursement by
25 the organization that they represent. Any legislative members
26 shall be paid the per diem and expenses specified in section
27 2.10.

28 Sec. 7. Section 135.156, subsection 3, paragraph a,
29 subparagraphs (6) and (10), Code Supplement 2011, are amended
30 to read as follows:

31 (6) Policies relating to governance of the various facets of
32 the Iowa health information ~~technology system~~ network.

33 (10) Economic incentives and support to facilitate
34 participation in an interoperable system network by health care
35 professionals.



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1 Sec. 8. Section 135.156, subsection 3, paragraph c,
2 unnumbered paragraph 1, Code Supplement 2011, is amended to
3 read as follows:
4 Coordinate public and private efforts to provide the
5 network backbone infrastructure for the Iowa health information
6 ~~technology-system~~ network. In coordinating these efforts, the
7 executive committee shall do all of the following:
8 Sec. 9. Section 135.156, subsection 3, paragraphs h and i,
9 Code Supplement 2011, are amended to read as follows:
10 *h.* Seek and apply for any federal or private funding to
11 assist in the implementation and support of the Iowa health
12 information ~~technology-system~~ network and make recommendations
13 for funding mechanisms for the ongoing development and
14 maintenance costs of the Iowa health information ~~technology~~
15 ~~system~~ network.
16 *i.* Identify state laws and rules that present barriers
17 to the development of the Iowa health information ~~technology~~
18 ~~system~~ network and recommend any changes to the governor and
19 the general assembly.
20 Sec. 10. NEW SECTION. 135.156A Iowa health information
21 network — business and financial sustainability plan and
22 participant fees.
23 1. The board, with the support of the department and
24 the advice of the executive committee and advisory council,
25 shall establish and annually review and update a business and
26 financial sustainability plan for the Iowa health information
27 network. The plan shall include fees to be paid to the
28 department by participants who choose to access and use the
29 Iowa health information network. The participant fee schedule
30 shall be structured using fair share, value-based principles.
31 2. The department shall update and submit a financial model,
32 including fee schedule, revenue and expense projections, and a
33 budget, to the executive committee and the board for approval
34 on an annual basis.
35 Sec. 11. NEW SECTION. 135.156B Iowa health information

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1 network — duties of the department.

2 The department shall do all of the following:

3 1. Develop, implement, and enforce the following, as
4 approved by the board:

5 a. Strategic, operational, and business and financial
6 sustainability plans for the Iowa health information network.

7 b. Standards, requirements, policies, and procedures for
8 access to and use, secondary use, and privacy and security
9 of health information exchanged through the Iowa health
10 information network, consistent with applicable federal and
11 state standards and laws.

12 c. Rules, policies, and procedures for monitoring
13 participant usage of the Iowa health information network and
14 enforcing compliance with applicable standards, requirements,
15 policies, rules, and procedures.

16 d. Policies and procedures for administering the
17 infrastructure, technology, and associated professional
18 services required for operation of the Iowa health information
19 network and the provision of services through the Iowa health
20 information network.

21 e. An annual budget and fiscal report for the business and
22 technical operations of the Iowa health information network
23 and an annual report for the Iowa health information network
24 and the services provided through the Iowa health information
25 network.

26 2. Provide human resources, budgeting, project and activity
27 coordination, and related management functions to the Iowa
28 health information network and the services provided through
29 the Iowa health information network.

30 3. Enter into participation agreements with participants in
31 the Iowa health information network.

32 4. Collect participant fees, record receipts and approvals
33 of payments, and file required financial reports.

34 5. Apply for, acquire by gift or purchase, and hold,
35 dispense, or dispose of funds and real or personal property



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1 from any person, governmental entity, or organization in
2 the exercise of its powers or performance of its duties in
3 accordance with this division.

4 6. Select and contract with vendors of goods and services in
5 compliance with all applicable state and federal procurement
6 laws and regulations.

7 7. Work to align interstate and intrastate interoperability
8 standards in accordance with national health information
9 exchange standards.

10 8. Execute all instruments necessary or incidental to the
11 performance of its duties and the execution of its powers under
12 this division.

13 Sec. 12. NEW SECTION. 135.156C Iowa health information
14 network fund.

15 1. The Iowa health information network fund is created as a
16 separate fund within the state treasury under the control of
17 the board. Revenues, donations, gifts, interest, participant
18 fees, and other moneys received or generated relative to the
19 operation and administration of the Iowa health information
20 network shall be deposited in the fund.

21 2. Moneys in the fund are appropriated to and shall be
22 expended by the department only for activities and operations
23 suitable to the performance of the department's duties,
24 subject to executive committee review and board approval.
25 Disbursements may be made from the fund for purposes related
26 to the administration, management, operations, functions,
27 activities, or sustainability of the Iowa health information
28 network.

29 3. Notwithstanding section 12C.7, subsection 2, earnings
30 or interest on moneys deposited in the fund shall be credited
31 to the fund. Moneys in the fund at the end of each fiscal year
32 shall not revert to another fund but shall remain in the fund
33 for expenditure in subsequent fiscal years.

34 4. The moneys in the fund shall be subject to financial and
35 compliance audits by the auditor of state.



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1 Sec. 13. NEW SECTION. 135.156D **Technical infrastructure.**

2 1. The Iowa health information network shall provide a
3 mechanism to facilitate and support the secure electronic
4 exchange of health information between participants.

5 2. The Iowa health information network shall not function as
6 a central repository of all health information.

7 3. The Iowa health information network shall provide a
8 mechanism for participants without an electronic health records
9 system to access health information from the Iowa health
10 information network.

11 Sec. 14. NEW SECTION. 135.156E **Legal and policy.**

12 1. Upon approval from the board, the department shall
13 implement appropriate security standards, policies, and
14 procedures to protect the transmission and receipt of
15 protected health information exchanged through the Iowa health
16 information network, which shall, at a minimum, comply with the
17 Health Insurance Portability and Accountability Act security
18 rule pursuant to 45 C.F.R. pt. 164, subpt. C, and shall reflect
19 all of the following:

20 a. Include authorization controls, including the
21 responsibility to authorize, maintain, and terminate a
22 participant's use of the Iowa health information network.

23 b. Require authentication controls to verify the identify
24 and role of the participant using the Iowa health information
25 network.

26 c. Include role-based access controls to restrict
27 functionality and information available through the Iowa health
28 information network.

29 d. Include a secure and traceable electronic audit system
30 to document and monitor the sender and the recipient of health
31 information exchanged through the Iowa health information
32 network.

33 e. Require standard participation agreements which
34 define the minimum privacy and security obligations of all
35 participants using the Iowa health information network and



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1 services available through the Iowa health information network.

2 *f.* Include controls over access to and the collection,
3 organization, and maintenance of records and data for
4 purposes of research or population health that protect the
5 confidentiality of consumers who are the subject of the health
6 information.

7 2. A patient shall have the opportunity to decline exchange
8 of the patient's health information through the Iowa health
9 information network. A patient shall not be denied care or
10 treatment for declining to exchange the patient's health
11 information, in whole or in part, through the Iowa health
12 information network. The board shall provide by rule the means
13 and process by which patients may decline participation. The
14 means and process utilized under the rules shall minimize the
15 burden on patients and health care professionals.

16 3. Unless otherwise authorized by law or rule, a patient's
17 decision to decline participation means that none of the
18 patient's health information shall be accessible through the
19 record locator service function of the Iowa health information
20 network. A patient's decision to decline having health
21 information shared through the record locator service function
22 shall not limit a health care professional with whom the
23 patient has or is considering a treatment relationship from
24 sharing health information concerning the patient through
25 the secure messaging function of the Iowa health information
26 network.

27 4. A patient who declines participation in the Iowa health
28 information network may later decide to have health information
29 shared through the Iowa health information network. A patient
30 who is participating in the Iowa health information network may
31 later decline participation in the network.

32 5. A participant shall not release or use protected health
33 information exchanged through the Iowa health information
34 network for purposes unrelated to prevention, treatment,
35 payment, or health care operations unless otherwise authorized

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1 or required by law. Participants shall limit the use and
2 disclosure of protected health information to the minimum
3 amount required to accomplish the intended purpose of the use
4 or request, in compliance with the Health Insurance Portability
5 and Accountability Act and other applicable federal law. Use
6 or distribution of the information for a marketing purpose, as
7 defined by the Health Insurance Portability and Accountability
8 Act, is strictly prohibited.

9 6. The department and all persons using the Iowa health
10 information network are individually responsible for following
11 breach notification policies as provided by the Health
12 Insurance Portability and Accountability Act.

13 7. A participant shall not be compelled by subpoena, court
14 order, or other process of law to access health information
15 through the Iowa health information network in order to gather
16 records or information not created by the participant.

17 8. All participants exchanging health information and data
18 through the Iowa health information network shall grant to
19 other participants of the network a nonexclusive license to
20 retrieve and use that information in accordance with applicable
21 state and federal laws, and the policies, standards, and rules
22 established by the board.

23 9. The board shall establish by rule the procedures for a
24 patient who is the subject of health information to do all of
25 the following:

26 a. Receive notice of a violation of the confidentiality
27 provisions required under this division.

28 b. Upon request to the department, view an audit report
29 created under this division for the purpose of monitoring
30 access to the patient's health care information.

31 10. A health care professional who relies reasonably and
32 in good faith upon any health information provided through
33 the Iowa health information network in treatment of a patient
34 who is the subject of the health information shall be immune
35 from criminal or civil liability arising from any damages

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1 caused by such reasonable, good-faith reliance. Such immunity
2 shall not apply to acts or omissions constituting negligence,
3 recklessness, or intentional misconduct.

4 11. A participant that has disclosed health information
5 through the Iowa health information network in compliance with
6 applicable law and the standards, requirements, policies,
7 procedures, and agreements of the network shall not be subject
8 to criminal or civil liability for the use or disclosure of the
9 health information by another participant.

10 12. Notwithstanding chapter 22, the following records shall
11 be kept confidential, unless otherwise ordered by a court or
12 consented to by the patient or by a person duly authorized to
13 release such information:

14 a. The protected health information contained in, stored in,
15 submitted to, transferred or exchanged by, or released from the
16 Iowa health information network.

17 b. Any protected health information in the possession of
18 the department due to its administration of the Iowa health
19 information network.

20 13. Unless otherwise provided in this division, when using
21 the Iowa health information network for the purpose of patient
22 treatment, a health care professional is exempt from any other
23 state law that is more restrictive than the Health Insurance
24 Portability and Accountability Act that would otherwise prevent
25 or hinder the exchange of patient information by the patient's
26 health care professionals.

27 Sec. 15. NEW SECTION. 135.156F Governance review.

28 1. The governance structure as provided in this division
29 consisting of the department acting on behalf of the board
30 subject to executive committee review and board approval shall
31 continue during the term of the state health information
32 exchange cooperative agreement between the department and the
33 office of the national coordinator for health information
34 technology to address the development of standards, policies,
35 and procedures; dissemination of interoperability standards;

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1 the installation, testing, and operation of the Iowa health
2 information network infrastructure; and the evolution of Iowa
3 health information network services to improve patient care for
4 the population.

5 2. During the final year of the term of the cooperative
6 agreement, the executive committee and the department shall
7 review the governance structure, operations of the Iowa
8 health information network, and the business and financial
9 sustainability plan and make recommendations to the board
10 regarding the future governance of the Iowa health information
11 network.

12 Sec. 16. EFFECTIVE UPON ENACTMENT. This Act, being deemed
13 of immediate importance, takes effect upon enactment.

14 EXPLANATION

15 This bill provides for the creation of a statewide Iowa
16 health information network (network). The bill provides
17 definitions used in the bill. The bill provides findings and
18 intent for the network, describing the importance of health
19 information technology in transforming the delivery of health
20 and medical care in the state and across the nation and in
21 improving health care quality and the overall health of the
22 population, increasing efficiencies in administrative health
23 care, reducing unnecessary health care costs, and preventing
24 medical errors. The network is to provide for the secure
25 electronic sharing of health information. The bill provides
26 that it is the intent of the general assembly to establish
27 a statewide Iowa health information network, which is not
28 to constitute a health benefit network or health insurance
29 network; and is not to preclude the formation and operation
30 of regional, population-specific, or local health information
31 networks or their participation in the statewide network.

32 The bill provides that the state board of health (board),
33 with the support of the department of public health and the
34 advice of the existing electronic health information executive
35 committee and advisory council, is to establish and annually

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1 review and update a business and financial sustainability
2 plan for the network. The plan shall include fees to be paid
3 by participants who access and use the network. The fee
4 schedule is to be structured using fair share and value-based
5 principles. The department is directed to update and submit
6 a financial model to the executive committee and the board
7 annually.

8 The bill specifies the duties of the department in the
9 day-to-day operations of the Iowa health information network.

10 The bill provides for the creation of a separate Iowa
11 health information network fund within the state treasury
12 under the control of the board. All revenues, donations,
13 gifts, interest, participant fees, and other moneys received or
14 generated relative to the network are to be deposited in the
15 fund. Moneys in the fund are appropriated to and are only to
16 be expended by the department on activities and operations of
17 the Iowa health information network, subject to board approval.
18 Moneys in the fund at the end of each fiscal year remain in the
19 fund. The fund is subject to financial and compliance audits
20 by the auditor of state.

21 The bill provides for the technical infrastructure of
22 the network. The network is to provide a mechanism to
23 facilitate and support the secure exchange of electronic health
24 information. The network is not to function as a central
25 repository of all health information, and is to provide a means
26 for participants without an electronic health record system to
27 access health information through the network.

28 The bill includes provisions relating to the legal and
29 policy aspects of the network. The bill authorizes the
30 department, with approval from the board, to develop security
31 standards, policies, and procedures to protect the transmission
32 and receipt of individually identifiable health information
33 shared through the network. These include: authorization
34 and authentication controls, role-based access, a secure and
35 traceable electronic audit system, use of participant and

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1 data-sharing agreements, and controls over access, collection,
2 and maintenance of health information. These provisions
3 specify a patient's choice of participation in the Iowa
4 health information network, and the requirements for sharing
5 information in accordance with all other laws, including the
6 federal Health Insurance Portability and Accountability Act.
7 The bill provides that the governance structure as provided
8 in the bill consisting of the department acting on behalf
9 of the board, subject to executive committee review and
10 board approval, is to continue during the term of the state
11 health information exchange cooperative agreement between
12 the department and the office of the national coordinator
13 for health information technology to address the development
14 of standards, policies, and procedures; dissemination of
15 interoperability standards; the installation, testing, and
16 operation of the network infrastructure; and the evolution of
17 health information network services to improve patient care
18 for the population. During the final year of the term of the
19 cooperative agreement (March 2014), the executive committee and
20 the department are directed to review the governance structure,
21 operations of the network, and the business and financial
22 sustainability plan, and make recommendations to the board
23 regarding the future governance of the network.
24 The bill takes effect upon enactment.



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Senate Study Bill 3057 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT BILL BY
CHAIRPERSON DANIELSON)

A BILL FOR

- 1 An Act relating to the practice of optometry.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 147.108, subsection 2, Code 2011, is
2 amended to read as follows:
3 2. After contact lenses have been adequately adapted and
4 the patient released from initial follow-up care by a person
5 licensed under chapter 148 or 154, the patient may request
6 a copy, at no cost, of the contact lens prescription from
7 that licensed person. A person licensed under chapter 148 or
8 154 shall not withhold a contact lens prescription after the
9 requirements of this section have been met. The prescription,
10 at the option of the prescriber, may be given orally only to a
11 person who is actively practicing and licensed under chapter
12 148, 154, or 155A. The contact lens prescription shall contain
13 an expiration date, at the discretion of the prescriber, but
14 not to exceed eighteen months. The contact lens prescription
15 shall contain the necessary requirements of the ophthalmic
16 lens, and the prescription validation requirements as defined
17 by rules adopted pursuant to this section. The prescription
18 may contain adapting and material guidelines and may also
19 contain specific instructions for use by the patient. For
20 the purpose of this section, "*ophthalmic lens*" means one which
21 has been fabricated to fill the requirements of a particular
22 contact lens prescription, including pharmaceutical-delivering
23 contact lenses as defined in section 154.1, subsection 4 3.
24 Sec. 2. Section 154.1, Code 2011, is amended to read as
25 follows:

26 **154.1 Board defined — optometry — ~~diagnostically certified~~**
27 **~~licensed optometrists — therapeutically certified optometrists~~**
28 **licensed optometrists.**

29 1. As used in this chapter, "*board*" means the board of
30 optometry created under chapter 147.

31 2. For the purpose of this subtitle, the following classes
32 of persons shall be deemed to be engaged in the practice of
33 optometry:

34 a. Persons employing any means ~~other than the use of drugs,~~
35 ~~medicine, or surgery~~ for the measurement of the visual power

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1 and visual efficiency of the human eye; persons engaged in
2 the prescribing and adapting of lenses, prisms, and contact
3 lenses; ~~and persons engaged in the using or employing of visual~~
4 ~~training or ocular exercise for the aid, relief, or correction~~
5 ~~of vision; and persons employing the use of medicines and~~
6 ~~procedures for the purposes of diagnosis and treatment of~~
7 ~~diseases or conditions of the eye and adnexa.~~

8 ~~b.~~ Persons who allow the public to use any mechanical device
9 for a purpose described in paragraph "a".

10 ~~c.~~ Persons who publicly profess to be optometrists and to
11 assume the duties incident to the profession.

12 ~~3. Diagnostically certified licensed optometrists may~~
13 ~~employ cycloplegics, mydriatics, and topical anesthetics as~~
14 ~~diagnostic agents topically applied to determine the condition~~
15 ~~of the human eye for proper optometric practice or referral~~
16 ~~for treatment to a person licensed under chapter 148. A~~
17 ~~diagnostically certified licensed optometrist is an optometrist~~
18 ~~who is licensed to practice optometry in this state and who is~~
19 ~~certified by the board to use diagnostic agents.~~

20 ~~4. 3. a. Therapeutically certified optometrists An~~
21 ~~optometrist licensed under this chapter may employ all~~
22 ~~diagnostic and therapeutic pharmaceutical agents for the~~
23 ~~purpose of diagnosis and treatment of conditions of the human~~
24 ~~eye and adnexa pursuant to this subsection, excluding the~~
25 ~~use of injections other than to counteract an anaphylactic~~
26 ~~reaction, and notwithstanding section 147.107, may without~~
27 ~~charge supply any of the above pharmaceuticals to commence a~~
28 ~~course of therapy. A licensed optometrist may perform minor~~
29 ~~surgical procedures and use medications for the diagnosis and~~
30 ~~treatment of diseases, disorders, and conditions of the eye and~~
31 ~~adnexa. A license to practice optometry under this chapter~~
32 ~~does not authorize the performance of surgical procedures~~
33 ~~which require the use of injectable or general anesthesia or~~
34 ~~penetration of the globe or the use of ophthalmic lasers for~~
35 ~~the purpose of ophthalmic surgery within or upon the globe.~~



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1 ~~b. Therapeutically-certified optometrists~~ A licensed
2 optometrist may employ and, notwithstanding section 147.107,
3 supply pharmaceutical-delivering contact lenses for the
4 purpose of treatment of conditions of the human eye and adnexa.
5 For purposes of this paragraph, "*pharmaceutical-delivering*
6 *contact lenses*" means contact lenses that contain one or more
7 therapeutic pharmaceutical agents authorized for employment
8 by this section for the purpose of treatment of conditions of
9 the human eye and adnexa and that deliver such agents into the
10 wearer's eye.

11 ~~c. Therapeutically-certified optometrists~~ A licensed
12 optometrist may prescribe oral steroids for a period not to
13 exceed fourteen days without consultation with a physician.
14 ~~Therapeutically-certified optometrists shall not prescribe oral~~
15 ~~Imuran or oral Methotrexate.~~

16 ~~d. Therapeutically-certified optometrists~~ A licensed
17 optometrist may be authorized, where reasonable and
18 appropriate, by rule of the board, to employ new diagnostic and
19 therapeutic pharmaceutical agents approved by the United States
20 food and drug administration on or after July 1, 2002, for the
21 diagnosis and treatment of the human eye and adnexa.

22 ~~e. The board shall~~ is not ~~be~~ required to adopt rules
23 relating to topical pharmaceutical agents, oral antimicrobial
24 agents, oral antihistamines, oral antiglaucoma agents, and
25 oral analgesic agents. ~~Superficial~~ A licensed optometrist may
26 remove superficial foreign bodies ~~may be removed~~ from the human
27 eye and adnexa.

28 ~~f. The therapeutic efforts of a therapeutically-certified~~
29 licensed optometrist are intended for the purpose of
30 examination, diagnosis, and treatment of visual defects,
31 abnormal conditions, and diseases of the human eye and adnexa,
32 for proper optometric practice or referral for consultation or
33 treatment to persons licensed under chapter 148.

34 ~~g. A therapeutically-certified~~ licensed optometrist is
35 an optometrist who is licensed to practice optometry in this

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1 state and who is certified by the board to use the agents and
2 procedures authorized pursuant to this subsection.

3 ~~5.~~ 4. Beginning July 1, 2012, all licensed optometrists
4 shall meet requirements established by the board by rule to
5 employ diagnostic and therapeutic pharmaceutical agents for the
6 practice of optometry. All licensees practicing optometry in
7 this state shall have demonstrated qualifications and obtained
8 certification to use diagnostic and therapeutic pharmaceutical
9 agents as a condition of license renewal.

10 Sec. 3. Section 154.10, Code 2011, is amended to read as
11 follows:

12 **154.10 Standard of care.**

13 ~~1. A diagnostically certified licensed optometrist~~
14 ~~employing diagnostic pharmaceutical agents as authorized by~~
15 ~~section 154.1 shall be held to the same standard of care in the~~
16 ~~use of such agents and in diagnosis as is common to persons~~
17 ~~licensed under chapter 148 in this state.~~

18 ~~2. A therapeutically certified person licensed as an~~
19 ~~optometrist employing pharmaceutical agents as authorized~~
20 ~~by section 154.1 pursuant to this chapter shall be held to~~
21 ~~the same standard of care in the use of such agents and in~~
22 ~~diagnosis and treatment as is common to persons licensed under~~
23 ~~chapter 148 in this state.~~

24 Sec. 4. Section 155A.21, subsection 2, Code 2011, is amended
25 to read as follows:

26 2. Subsection 1 does not apply to a licensed pharmacy,
27 licensed wholesaler, physician, veterinarian, dentist,
28 podiatric physician, ~~therapeutically certified optometrist,~~
29 advanced registered nurse practitioner, physician assistant,
30 a nurse acting under the direction of a physician, or the
31 board of pharmacy, its officers, agents, inspectors, and
32 representatives, or to a common carrier, manufacturer's
33 representative, or messenger when transporting the drug or
34 device in the same unbroken package in which the drug or device
35 was delivered to that person for transportation.

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EXPLANATION

1
2 Under current law, only an optometrist who has been
3 therapeutically certified by the board of optometry can employ
4 all diagnostic and therapeutic pharmaceutical agents for the
5 purpose of diagnosis and treatment of conditions of the human
6 eye and adnexa. This bill eliminates the requirements for
7 special certification.
8 Current law also requires that beginning July 1, 2012, all
9 licensed optometrists shall meet requirements established
10 by the board by rule to employ diagnostic and therapeutic
11 pharmaceutical agents for the practice of optometry. All
12 licensees practicing optometry in this state shall have
13 demonstrated qualifications and obtained certification to use
14 diagnostic and therapeutic pharmaceutical agents as a condition
15 of license renewal.